

federal register

Monday
June 1, 1981

Highlights

- 29438 **Grant Program—Juvenile Justice** Justice/JJDPO proposes procedures and requirements for formula grants to State governments. (Part III of this issue)
- 29251, **Minority Businesses Assistance** SBA proposes and authorizes Fixed Program Participation Terms for a concern to remain in the Minority Small Business and Capital Ownership Development Program. (2 documents)
- 29276
- 29259 **Low-Income Housing** HUD/FHC increases maximum mortgage amounts under the section 235 Mortgage Insurance Program.
- 29246 **Federal Home Loan Banks** FHLBB alters rate of interest or return to be paid as post-default interest on certain unsecured claims against receiverships.
- 29333 **Federal Reserve System** FRS issues guidelines for the sale by State member banks of commercial paper from issuers not related to the bank.
- 29242 **Energy Conservation—Weatherization Assistance** DOE amends its low-income assistance program.
- 29261 **Handicapped Discrimination** Treasury/RSO defers effective date until 6-16-81, of revenue sharing regulations.

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Questions and requests for specific information may be directed to the telephone numbers listed under **INFORMATION AND ASSISTANCE** in the **READER AIDS** section of this issue.

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- 29260 Wine** Treasury/ATF changes requirements for appellations of origin that appear on foreign wines imported into the United States.
- 29292 Flood Insurance** FEMA proposes to increase certain rates for all structures located in communities participating in the emergency phase of the National Flood Insurance Program.
- 29261 Excise Taxes** Treasury/ATF defers effective date for provisions about electronic fund transfers for alcohol and tobacco products tax payments.
- 29294 Disaster Preparedness Assistance** FEMA proposes procedures by which financial assistance will be provided for planning for severe earthquakes or hurricanes in high-risk, high population areas.
- 29374 Sunshine Act Meetings**

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DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1944

Rural Rental Housing; Revision—Redesignation of Loan Regulations; Correction

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule concerning rural rental housing loans which was published in the Federal Register on October 27, 1980 (45 FR 70815). The action is necessary to correct sections which were erroneously omitted, not revised, or were revised erroneously.

FOR FURTHER INFORMATION CONTACT: Mr. Antonio O. Izquierdo, Loan Officer, Rural Rental Housing Loan Division, Room 5331, South Agriculture Building, 14th St. and Independence Avenue SW., Washington, D.C. 20250, Telephone 202-382-1621.

SUPPLEMENTARY INFORMATION: This final rule was reviewed under USDA procedures established in Secretary's Memorandum 1955 and Executive Order 12291, and has been classified "not major". The following sections of the regulations are revised or corrected: in Section III A of Exhibit B, where it indicates "June 1, 1980", should read "after October 27, 1980," the date the regulations were published in final form. Paragraphs X B 1 and 2 were revised and paragraph B 3 was added to Exhibit C separately after the regulations were published for comment but before they were published in final form. However, these sections were not updated in the final document which was sent to the Federal Register and consequently, were erroneously revised to the previous

obsolete text. They should not have been revised when the final publication of the regulations was done on October 27, 1980. Section 8.02 of Exhibit F was totally omitted when the regulations were published for final rule on October 27, 1981.

Accordingly, Subpart E of Part 1944, Chapter XVIII, Title 7, Code of Federal Regulations is corrected as follows:

Part 1944, Exhibit B [Amended]

1. In Exhibit B, paragraph III A, "June 1, 1980" is corrected, to read "after October 27, 1980".

2. In Exhibit C, paragraph IX B is corrected by revising subparagraphs 1 and 2 and adding subparagraph 3 to read as follows:

Exhibit C—Rental Assistance Program

IX. Terms of the Rental Assistance Agreement.

B. Term.

1. *Twenty (20) Year Agreement.* The term of the agreement shall be for a period of twenty (20) years from the effective date of the agreement for new construction projects in which no unit has been occupied. This agreement may be superceded by a modified agreement in accordance with Section 4 of the rental assistance agreement or terminated in accordance with conditions stated in Section 8 or 10 of the rental assistance agreement. Modified agreements will extend only for the remaining period of an original agreement. Upon expiration of the twenty year period, a new agreement may be executed. If a new agreement is considered, it will be for a period not to exceed five (5) years.

2. *Five (5) Year Agreement.* The term of the agreement shall be for a period of five (5) years from the effective date of the agreement for existing projects or new construction projects when twenty (20) year agreements are not available. This agreement may be superceded by a modified agreement in accordance with Section 4 of the rental assistance agreement or terminated in accordance with conditions stated in Section 8 or 10 of the rental assistance agreement. Modified agreements will extend only for the remaining period of an original agreement. Prior to the termination date of any agreement a new Form FmHA 444-25 may be submitted. If a new

agreement is consummated, it will be made for a period not to exceed five (5) years. An existing project is one in which one or more units have been occupied.

3. Modification of the number of units assigned to any project will be limited to the same term as the original agreement. Mixing of agreement terms in any given project is prohibited.

3. In Exhibit F, Article VIII is corrected to add section 8.02 which reads as follows:

Exhibit F—Bylaws

Article VIII—Contracts, Checks, Deposits and Funds.

Section 8.02. Checks, Drafts, etc. All checks, drafts, or orders for the payment of money, notes, or other evidence of indebtedness issued in the name of the corporation shall be signed by the officer or officers, agent or agents of the corporation, and in a manner as shall from time to time be determined by resolution of the board. In the absence of determination by the board, these instruments shall be signed by the treasurer and countersigned by the president of the corporation.

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: May 11, 1981.

Dwight O. Calhoun,
Acting Administrator, Farmers Home Administration.

[FR Doc. 81-16242 Filed 5-29-81; 8:45 am]
BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 92

Importation of Horses

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of final rule.

SUMMARY: This document confirms the final rule promulgated by the Department which established additional methods by which male horses (stallions over 731 days of age)

may be imported into the United States from countries declared to be affected with contagious equine metritis (CEM). This action is necessary to provide the Department's response to comments received relative to the amendment of 9 CFR Part 92 that permitted the importation of certain stallions into the United States from CEM-affected countries when specified requirements are met.

EFFECTIVE DATE: December 21, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Room 815, Federal Building, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291, and has been classified not a "major rule."

Based on information compiled by the Department, it has been determined that this rule will have an annual effect on the economy of less than \$100 million; that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and that this rule will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

On August 3, 1979, there was published in the *Federal Register* (44 FR 45631-45634) a proposed amendment to the regulations (9 CFR 92.2(i)(2)(iii)(C), 92.2(i)(2)(iv), and 92.17) which would establish additional means to permit the entry of male horses (stallions over 731 days of age), into the United States from countries affected with contagious equine metritis (CEM) when specific requirements and certain conditions are met to prevent their introducing CEM into the United States.

On Friday, January 4, 1980, there was published in the *Federal Register* (45 FR 1003-1006) an amendment to the above referenced regulations. The final rule was somewhat modified from the proposed rule, and the amendment was placed into effect immediately in order for the additional method of importing horses from CEM-affected countries to be available to importers for the then forthcoming breeding season. However, a 60-day comment period was provided to permit public participation in the rulemaking process. A total of three comments were received.

One comment suggested that male horses in training and male horses for breeding be permitted to be imported

into the United States on the basis of 3 sets of negative swabs alone. The respondent also suggested that it was not necessary to require a government veterinary officer to be present to supervise the pre-export protocol.

Information compiled by the administrative officials of the Animal and Plant Health Inspection Service responsible for administering regulations for the importation of horses into the United States reveals that to allow the male horses to be imported into the United States on the basis of 3 sets of negative swabs only is not sufficient to insure that the stallions are free of the contagion of CEM. It is possible that the cultures, although taken on 3 separate occasions, seven days apart, could fail to reveal the contagion of CEM. Therefore, since CEM is a disease spread through breeding, the certification that since reaching 2 years of age the horse has not been on premises where breeding was carried out, as well as the topical treatments, testing procedures and handling procedures required to import a stallion to be used for breeding, are all necessary to insure that the stallion is free of the contagion of CEM. In regard to the importation into the United States of male horses in training which are not imported pursuant to this action, information compiled by the Department reveals that the requirements of § 92.2(i)(2)(iii) are necessary to insure that the male horses in training are free of the contagion of CEM.

Additionally, the requirement that the topical treatment be under the supervision of the veterinary officer signing the certificate is considered necessary to provide reliable information to the Department that such treatment was in fact complied with. Therefore, this suggestion was not adopted.

The second comment expressed concern that all tests and cultures were to be conducted at the National Veterinary Services Laboratory (NVSL) since experience during the outbreak in Kentucky had shown that the organism on swabs taken from clinical cases did not survive transportation.

The Department's experience was that some strains of the organism were susceptible to the antibiotic streptomycin used in the transport media to control growth of contaminants usually associated with the collection of these swabs. Streptomycin has been eliminated from the transport media, and the Department does not anticipate any further problems in that respect. It has also been determined that under the present technology, that samples are acceptable for culturing if shipped

without streptomycin and received in the laboratory within 48 hours of collection.

The Department imposed the requirement that the tests and cultures be performed in NVSL to insure the accuracy of the results.

The third comment expressed the opinion that an infected stallion could enter the United States and not be discovered until it was cultured in a State approved to receive such stallion.

The Department anticipated this problem, and this is the reason there are specific safeguards in the final rule for every stallion over 731 days of age from any CEM-affected country for which a permit is requested pursuant to § 92.2(i)(2)(iv) of the regulations (9 CFR 92.2). A permit will only be issued if the stallion is consigned to a State which the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, has approved to receive such horses under § 92.4(a)(6) of the regulations (9 CFR 92.4(a)(6)) on the basis that the State has laws or regulations in effect to require the additional inspection, treatment and testing of such horse necessary to insure its freedom from CEM. The final rule also established the minimum standards which a State must meet in order to be approved to receive stallions imported from CEM-affected countries.

After due consideration of the relevant comments received, it has been determined that the final rule amending § 92.2(i)(2)(iii)(C), § 92.2(i)(2)(iv), and § 92.17, and adding § 92.4(a)(5), (6), and (7), should remain effective as published in the *Federal Register* on January 4, 1980.

Done at Washington, D.C., this 26th day of May 1981.

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-18180 Filed 5-29-81; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 92

Importation of Animals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the requirements regarding an application for an import permit, and certain requirements regarding the importation of horses. This action is necessary to strengthen certain requirements in order to prevent the introduction and

dissemination of communicable diseases of livestock.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Federal Building, Room 815, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule" because this action should result in an annual effect on the economy of only approximately \$20,000 and should result in only a slight increase in costs to consumers and individual industries and no increase in costs to Federal, State, or local governmental agencies, or geographic regions. This action should have no adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

On Friday, April 18, 1980, there was published in the Federal Register (45 FR 26342-26344) a document which proposed to revise the requirements regarding the importation of horses, to remove some restrictions which may be unnecessary and to strengthen other requirements in order to prevent the introduction and dissemination of communicable diseases of livestock.

Specifically, amendments were proposed to require that the name and address of the exporter and individual identification of each animal (except poultry) appear on the application for an import permit. Further, § 92.11(d) would have been amended to require that horses from countries where African horse sickness is declared to exist be placed in quarantine at a designated port in the United States for 14 days. A blood sample would then be drawn from such horses and a test would be run on the blood to determine whether or not the horses have African horse sickness. All such horses which were found negative to the test for African horse sickness would then have been released when they were otherwise found to be free of communicable disease. All such horses found to be positive to the test for African horse sickness or found to exhibit evidence of communicable disease would be refused entry to the United States and would be required to be removed from the United States by the importer within 10 days of notification or, at the option of the importer, the horse would be disposed of.

A period of 60 days was provided for receipt of comments. A total of eight

comments were received in response to the proposal.

One comment expressed approval of the amendment as proposed.

Two comments, one from the American Veterinary Medical Association (AVMA) and one from the American Horse Council (AHC) expressed approval if suggested changes in the procedures for horses from African horse sickness (AHS) countries were adopted. The AVMA expressed concern that the 14-day quarantine period for horses before collection of the blood samples for testing was not sufficient time to provide for the incubation period of AHS in some cases. It was recommended that the blood samples be collected after the horses had been in quarantine for 21 days.

The AHC recommended that importers be advised that horses vaccinated for AHS might react to the test and suggested that the Department establish a time period, post vaccination, when the vaccination antibodies would be "washed out" of the horses' systems. The council also suggested the importer be provided the option of testing or, as presently provided, keeping the horses in quarantine for 60 days.

Three additional comments expressed the concern that the test for AHS would not distinguish between vaccinated or infected animals.

One comment from Plum Island Animal Disease Center (PIADC) stated that it would be necessary to conduct a Complement-Fixation test and virus isolation studies in order to determine whether horses were infected with AHS virus.

The intended effect of the proposed amendment to test horses from AHS countries was to reduce the time horses are required to be held in quarantine by about half from the minimum 60-day quarantine period now required. In view of the demand for quarantine space, this would be of mutual benefit to importers and the Department.

In consideration of the above comments and specifically that of PIADC, that the laboratory would require additional tests for virus isolation, the Department is withdrawing proposed § 92.11(d)(2) which would have required that horses from African horse sickness countries be tested for AHS. The additional time to conduct the virus isolation test and the cost would nullify any anticipated benefit of a reduced quarantine period, even if both tests could be conducted in less than 60 days. Therefore, the proposed procedure that, after a period of 14 days, a blood sample shall be drawn by a port veterinarian employed

by Veterinary Services and submitted to the Plum Island Animal Disease Laboratory to conduct the official test for African horse sickness is deleted from the final rule.

Therefore, this final rule retains the present requirement in § 92.11(d) of the regulations which requires that all horses imported into the United States from or that have been in or transited any country where African horse sickness is declared to exist (Africa) must be quarantined at the port of New York, New York, for at least 60 days. It should be noted that this requirement applies to all horses that have ever been in or transited such countries. Presently, the Department is considering the publication of a proposed rule which would, if adopted, limit this requirement to horses which have been in or transited countries where African horse sickness is declared to exist within the 60 day period immediately preceding importation into the United States.

Since the requirement to conduct the test for AHS is deleted, the suggestions provided by the above comments relative to the test procedures are now irrelevant.

The 8th comment suggested that the identification requirements for the application for an import permit were unnecessary for horses since they are identified in the foreign country on the health certificate that accompanies them to the United States.

As stated in the proposal, the Department believes that requiring the name and address of the exporter should help insure that the permit is used by the proper person. Requiring that the identification of the animal appears on the application should help insure that the permit is issued and used for the same animal.

Only horses from CEM infected countries listed in § 92.(i)(1) (9 CFR 92.2(i)(1)) are presently required to be accompanied by a permit. Only these horses being imported would be affected by the identification requirement. The Department believes that in addition to the reasons stated in the proposal, the identification of horses from CEM infected countries is necessary to prevent the introduction of the disease into the United States.

The comment also suggested that the proposed 10-day period to remove a horse from the United States after being notified that the animal was refused entry should be changed to "a reasonable length of time" to allow for possible unavoidable delays in arranging for shipment.

It is the Department's experience that except for one or two cases a year,

animals refused entry have been removed from the United States within 10 days. Therefore, 10 days is considered a "reasonable time."

However, this document adds a provision whereby the Deputy Administrator, Veterinary Services, may, upon request, grant additional time for the removal of a horse from the United States in any case in which he determines that delay is unavoidable due to unforeseen circumstances and the additional time for removal of the horse will not present a threat of dissemination of a communicable disease to other animals in the United States.

After due consideration of all the comments received, the Department is amending the regulations as proposed with changes as indicated in this document and other minor editorial changes for purposes of clarification.

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended in the following respects:

1. The authority citation for Part 92 reads as follows:

Authority: Sec. 203, 60 Stat. 1087, as amended; secs. 6, 7, 8, 10, 26 Stat. 416, as amended; 417; secs. 2, 32 Stat. 792, as amended; sec. 306, 46 Stat. 889, as amended; secs. 2, 3, 4, 5, 11, 76 Stat. 129, 130, 132; sec. 1, 84 Stat. 202 (7 U.S.C. 1622, 19 U.S.C. 1306, 21 U.S.C. 102-105, 111, 134a, 134b, 134c, 134d, 134f and 135).

2. In § 92.4, the second sentence in paragraph (a)(1) is revised to read:

§ 92.4 Import permit for ruminants, swine, horses from countries affected with CEM, poultry, poultry semen, animal semen, birds, animal specimens for diagnostic purposes.

(a) * * *

(1) * * * The application shall specify the name and address of the importer; the species, breed, number or quantity of animals, animal semen, or animal test specimens to be imported; the purpose of the importation; individual animal identification (except poultry), which includes a description of the animal, name, age, markings, if any, registration number, if any, and tattoo or eartag; the country of origin; the name and address of the exporter; the port of embarkation in the foreign country; the mode of transportation, route of travel, and the port of entry in the United States; the proposed date of arrival of the animals, animal semen, or animal test specimens to be imported; and the name of the person to whom the animals, animal semen, or animal test specimens will be delivered and the location of the place in the United States to which delivery will be made from the port of entry.

3. In § 92.11, present footnote 6 and the reference thereto are removed, present footnote 7 and the reference thereto are renumbered footnote 6 and paragraph (d)(1) is revised to read:

§ 92.11 Quarantine requirements.

(d) *Horses.* (1) Except as provided in this section, horses intended for importation into the United States from any part of the world shall be shipped directly to a port designated in § 92.3 and be quarantined at said port until negative results to port of entry tests are obtained and the horses are certified by the port veterinarian to be free from clinical evidence of disease.

(i) Except as provided in §§ 92.24 and 92.34 with respect to horses from Canada and Mexico, horses intended for importation from the Western Hemisphere shall be quarantined at a port designated in § 92.3 for not less than 7 days.

(ii) Horses intended for importation from any country on the Continent of Africa, or that have been in or transited any country on the Continent of Africa shall enter the United States only at the Port of New York, New York, and be quarantined there for not less than 60 days.

(iii) In order to qualify for release from quarantine, all horses from any part of the world, while quarantined shall test negative to the following port of entry tests: an official test for dourine, glanders, equine piroplasmiasis, and equine infectious anemia⁶ and such other tests, inspections, disinfections and precautionary treatments that may be required by the Deputy Administrator, Veterinary Services, to determine their freedom from communicable diseases.

(iv) Any quarantine period required for a horse shall be counted using the first day after arrival of the horse at the quarantine facility as the first day of quarantine and may be extended for such additional period as the Deputy Administrator, Veterinary Services, may require to determine its freedom from disease. Any horse which is positive to any of the port of entry tests named in this paragraph or any other test required by the Deputy Administrator, Veterinary Services, or which is found by the port veterinarian to exhibit evidence of communicable disease during quarantine shall be refused entry into the United States and removed by the importer to a country other than the United States within 10 days of the date that the importer is notified by Veterinary Services that such horse has been refused entry into the United States. Upon request, the Deputy

Administrator, Veterinary Services, may grant additional time for the removal of a horse from the United States in any case in which he determines that delay is unavoidable due to unforeseen circumstances and the additional time for removal of the horse will not present a threat of the spread of communicable disease to other animals in the United States. At the option of the importer, such horse may be disposed of in accordance with such conditions as the Deputy Administrator, Veterinary Services, believes necessary to prevent the dissemination of communicable disease into the United States. The importer shall be responsible for all costs of such removal or disposal.

§ 92.11 [Amended]

4. In § 92.11(d)(3)(i), present footnote 7a and the reference thereto are renumbered footnote 7.

Done at Washington, D.C., this 26th day of May 1981.

Norvan L. Meyer,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-16212 Filed 5-29-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

10 CFR Part 440

[Docket No. CAS-RM-80-512]

Weatherization Assistance for Low-Income Persons; Amendment of Regulations

AGENCY: Department of Energy.

ACTION: Amendment to interim rule with request for comments.

SUMMARY: The Department of Energy (DOE) is amending the regulations for its program of weatherization assistance for low-income persons (10 CFR Part 440) to make certain changes mandated by Subtitle E of Title V of the recently enacted Energy Security Act, June 30, 1980. These changes are:

The individual dwelling unit limit on expenditures for incidental repairs is increased from \$100 to \$150.

The 10 percent limit on administrative expenditures is revised to provide that more than 5 percent may be passed through by the State to subgrantees for administrative purposes; a State still may use not more than 5 percent of the total State grant for such purposes.

These amendments are required by law. Were it not for this legal requirement, DOE would not promulgate this rule because the Administration has proposed to terminate the program for

weatherization assistance for low-income persons at DOE, and instead incorporate the responsibility for the weatherization of low-income homes in the Department of Housing and Urban Development's (HUD) Community Development Block Grant Program. In the Administration's proposal to Congress (The Housing and Community Development Amendments of 1981), the enabling legislation for DOE's Weatherization Assistance Program, Part A of Title IV of the Energy Conservation and Production Act, Pub. Law 94-385, as amended, would be repealed. The Administration has also requested no funds for weatherization activities in Fiscal Year 1982.

In light of the legal requirement to make the above amendments, DOE is taking this opportunity to make the three following changes in the regulations:

In accordance with its request, Hawaii will now participate in the program.

Off-site labor, where justified, may be chargeable to program support, and not just to administrative expenses.

The audit requirements are amended to conform with specific language in OMB Circulars A-102 and A-110. Additionally, the Administration of grants section of the regulations is updated to reflect this change.

DATES: Effective Date: July 1, 1981.

Comment Period: Written comments must be received on or before July 31, 1981. See supplementary information, Section III, for further information.

ADDRESSES: All comments to Carol Snipes, Conservation and Solar Energy, Department of Energy, Mail Stop 6B-025, Room 1F-085, Docket Number CAS-RM-80-512, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Howard Foard, Office of Weatherization Assistance, Department of Energy, 1000 Independence Avenue SW., Room 2H-063, Mail Stop 2H-027, Washington, D.C. 20585, (202) 252-2476.

Catherine Edgerton, Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6B-144, Mail Stop 6E-067, Washington, D.C. 20585, (202) 252-9513.

SUPPLEMENTARY INFORMATION:

- I. Introduction
- II. Changes to the Regulation
- III. Opportunity for Public Comment
- IV. Other Matters

I. Introduction

The Department of Energy ("DOE") is amending the regulations for the program for weatherization assistance for low-income persons ("program" or

"weatherization program"), 10 CFR Part 440, under the Energy Conservation in Existing Buildings Act of 1976, as amended ("Act"), 42 U.S.C. 6851 *et seq.*

On February 27, 1980, DOE published an interim final rule, 45 FR 13028 (February 27, 1980), which included a number of major changes to the program including the introduction of tentative allocations of financial assistance, use of low-cost/no-cost measures and specific provision for the use of DOE funds to hire labor or contractors where volunteers and labor funded in accordance with the Comprehensive Employment and Training Act of 1973 ("CETA") are unavailable. The interim final rule also clarified and simplified the procedures for qualifying multi-family rental housing, raised the per dwelling unit expenditure limitation to \$1,000 (from \$800), with an increase up to \$1,600 permitted in certain cases, and allowed for flexible program support and materials expenditures depending upon local program operators' needs.

These changes were made in response to DOE's experience with the program since its inception in 1977, and were designed to provide more flexibility to grantees and local program operators (sub-grantees). Historically, the program has been hampered by production and expenditure rates far below original goals, and these changes were intended to improve the program's ability to respond to the varied needs of over 1,000 local program operators in 49 States, and to help the States achieve increased production levels.

Although the changes were issued as an interim final rule, DOE requested members of the public to comment on the changes. DOE received 63 comments on the interim final rulemaking during and after the 60-day comment period, in addition to the testimony of 34 speakers at the public hearings held on March 21, 1980, in Dallas, Texas, on March 24, 1980, in Seattle, Washington, and on March 27, 1980, in Boston, Massachusetts.

On June 30, 1980, subsequent to the issuance of the interim final rule, the President signed the Energy Security Act, Pub. L. 96-294, 94 Stat. 759, ("ESA") into law. Subtitle E of Title V of ESA amends the authorities of the program by mandating several changes, including the following two nondiscretionary changes:

1. Limitation on Administrative Expenditures—Section 571 of the ESA amends Section 415(a) of the Act to provide that a State may not use more than 5 percent of the total State grant for administrative purposes. Because of this change, a State may now pass on more

than 5 percent, up to 10 percent, of the total grant to local program operators.

2. Limitations on Expenditures—Section 575 increases the individual dwelling unit limit from \$100 to \$150 for incidental repairs as may be necessary to make the installation of weatherization materials effective.

Because these two changes, as required by the ESA, are nondiscretionary and therefore do not require notice and public comment, DOE today is amending its interim final rule to reflect these changes. In light of the legal requirement to make these amendments, DOE is taking the opportunity to make three additional changes to the regulations which do not require notice and public comment.

II. Changes to the Regulation

Today's issuance is limited to making five changes to the interim final rule, as follows:

1. In accordance with its request, Hawaii will participate in the program.

At the initiation of the program, Hawaii declined to participate, even though it was included within the definition of "State" under the Act. At that time, Hawaii indicated that it had no significant problems that the weatherization assistance program could address. See Proposed Rule, 42 FR 17470, at 17474, April 1, 1977. For that reason the regulations have, until today, included a definition for "Eligible State" which excludes Hawaii.

Hawaii, by a letter from Governor Ariyoshi dated May 28, 1980, has requested to participate in the program. It is felt that weatherization funds can be used to insulate hot water heaters of eligible dwelling units within the State, which account for the single largest portion of residential energy use in Hawaii. In order to now include Hawaii as a participant in the program, the definition for "Eligible State," which previously excluded Hawaii is deleted from § 440.3 of the regulations, as well as the word "eligible" before both "States" and "State" in § 440.10, subparagraphs (b)(1), (2) and (e) of the regulations. Section 440.10(b)(1) is revised to divide the first \$5,100,000 appropriated equally among the States, in order to enable the program to continue providing each grantee with a base allocation of \$100,000.

2. The individual dwelling unit limit on expenditures for incidental repairs is increased from \$100 to \$150.

This change is mandated by ESA. It provides no room for DOE's exercise of administrative discretion and may not be revised in response to public comment. Note that the incidental repair

expenditure is not a required expenditure; it just may not exceed \$150.

3. A State may provide to subgrantees up to 10 percent of any grant made to the State under the program for administrative purposes, but the State may not itself use more than 5 percent of this amount for such purposes.

This is, again, an amendment mandated by ESA and leaves no room for change in response to public comment. The Act originally provided flexibility in the use of the 10 percent administrative funds, as between grantee and subgrantees. Up to 10 percent of a grant could be used for administrative expenses without regard to whether it was incurred by a grantee or subgrantee. The National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3206 (Nov. 9, 1978) ("NECPA"), amended the Act to impose the more rigorous requirement that not more than 5 percent of the grants could be used for administrative expenses of the grantee, nor more than 5 percent of a subgrant for the administrative expenses of a subgrantee. In light of extensive adverse public comment to the NECPA amendment, Congress again amended the Act so that a State may again pass on more than 5 percent of a grant to local program operators.

4. "Payments to employ labor," chargeable as a program support expenditure in the interim final rule, are no longer restricted to payments for on-site personnel who will "install weatherization materials." Such expenditure, where justified by the unavailability of adequate numbers of volunteers or CETA workers, may now include ancillary personnel such as inventory clerks. Weatherization coordinators may also now be charged to program support. In the interim rule, payments for such labor categories had been made chargeable to administrative expenses. DOE received a considerable number of comments pointing out that administrative funds were frequently inadequate to cover the cost of off-site laborers, such as coordinators and other off-site labor. Therefore, by this change, such labor expenses now are made chargeable to program support. Costs incurred to hire coordinators and off-site workers since the issuance of the interim final rule will not be disallowed in future audits merely because charged to program support.

5. The audit requirements in § 440.21 are amended to conform to the specific language in OMB Circulars A-102 and A-110. As a result of this change, grantees will now require audits with "reasonable frequency, on a continuing basis, or at scheduled intervals, usually annually but not less frequently than

every two years." Technical changes are made to § 440.2, "Administration of Grants," to reflect this change.

III. Opportunity for Public Comment

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the changes set forth in this notice to: Ms. Carol Snipes, Hearings and Dockets, Conservation and Solar Energy, Department of Energy, Mail Stop 6B-025, Room 1F-085, 1000 Independence Avenue SW., Washington, D.C. 20585.

Comments should be identified on the outside of the envelope, and on the documents themselves, with the designation "Weatherization Assistance for Low-Income Persons Regulations" (Docket No. CAS-RM-80-512). Fifteen (15) copies should be submitted. All documents received on or before July 31, 1981, and all other relevant information, will be considered by DOE.

Any person submitting information which that person believes to be confidential and which may be exempt by law from public disclosure should submit one copy, as well as fifteen copies from which the information claimed to be confidential has been deleted. DOE shall make a determination of any such claim. This procedure is set forth in 10 CFR 1004.11 (44 FR 1908, January 8, 1979).

IV. Other Matters

A. Environmental Review

Pursuant to the requirements of the National Environmental Policy Act of 1969 ("NEPA"), 42 U.S.C. 4321 *et seq.*, DOE published a Notice of Availability of an Environmental Assessment (DOE/EA-0085) of the Grants Program for Weatherization Assistance for Low-Income Persons on April 10, 1979, in the *Federal Register* (44 FR 21323). Based on this Environmental Assessment, DOE determined that the program did not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA, and that an environmental impact statement was not needed to support the action.

DOE has reviewed the environmental impacts of the program changes promulgated today. It is DOE's judgment that no new or additional environmental impacts are associated with DOE's amendments. The program changes required by the Energy Security Act do not require the addition of any new measures beyond those already contained in the program. It is, accordingly, DOE's determination that the environmental impacts of the

changes have been adequately analyzed in the April 1979 assessment, and that these impacts are not significant. Hence, no additional Environmental Assessment or Environmental Impact Statement is required.

B. Procedural Requirements

1. Section 501 of the Department of Energy Organization Act and Section 553 of the Administrative Procedure Act.

DOE has determined that the proposed rulemaking procedures of the Department of Energy Organization Act, Pub. L. 95-91, 42 U.S.C. 7101 *et seq.*, ("DOE Act") and the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, ("APA") should be waived with respect to the four changes to the weatherization regulations in today's issuance which raise no substantial issues and have no substantial impacts. Section 501(c)(1) of the DOE Act provides that when a showing has been made that "no substantial issue of fact or law exists" and that such rulemaking "is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses," such rulemaking can be promulgated in accordance with the APA. Section 553(b) of the APA provides that, except when notice or hearing is required by statute, the APA requirement for a notice of proposed rulemaking does not apply when "the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule issued) that notice and public comment procedure thereon are impracticable, unnecessary, or contrary to the public interest."

The two changes in today's issuance mandated by the ESA merely track the statute and provide no occasion for the exercise of administrative discretion. DOE feels that it is important to make these changes to the weatherization regulations as soon as possible. The third change, which revises the audit requirement to conform with the language in OMB Circulars A-102 and A-110, and updates the Administration of Grants section of the rule to reflect this change is a technical amendment. The participation of Hawaii in the program is provided for by the enabling legislation, which defined a State eligible for funding to include Hawaii. Clearly, these four changes raise no "substantial issue of fact or law," and have no "substantial impact on the Nation's economy or large numbers of individuals or businesses," in accordance with section 501(c)(1) of the DOE Act. And, further, due to the nondiscretionary nature of these four changes, the notice and comment

procedures of the APA are waived, under section 553(b), as being impracticable and unnecessary.

The fifth change, the use of program funds for off-site labor in appropriate circumstances, is made after receiving substantial public comment and is in the public interest to have in effect without further delay. Moreover, this change raises no substantial issues and has no substantial impact on the economy or individuals and businesses. Finally, although the changes in today's rule will become effective in 30 days, there is opportunity for further written comment, particularly on the fifth change, which the DOE will consider and incorporate in the program rules if justified.

2. Executive Order 12291. Today's issuance was reviewed under Executive Order 12291 (February 17, 1981). DOE has concluded that the rule is not a "major rule" because it will not result in: (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

(Energy Conservation in Existing Buildings Act of 1976, as amended, 42 U.S.C. 6951 *et seq.*; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*)

In consideration of the foregoing, Part 440 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective July 1, 1981.

Issued in Washington, D.C., May 21, 1981.

Joseph J. Tribble,
Assistant Secretary, Conservation and Renewable Energy.

10 CFR Part 440 is amended as follows:

§ 440.2 [Amended]

1. a. Section 440.2 is amended by removing paragraph (a)(3); by redesignating paragraphs (a)(4), (a)(5), (a)(6), (a)(7), (a)(8) and (a)(9) as paragraphs (a)(3), (a)(4), (a)(5), (a)(9), (a)(10) and (a)(11) respectively; and by inserting new paragraphs (a)(6), (a)(7) and (a)(8) as follows:

(a) * * *

(6) Office of Management and Budget Circular A-102, entitled "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments;

(7) Office of Management and Budget Circular A-110, entitled "Grants and

Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations;"

(8) Office of Management and Budget Circular A-122, entitled "Cost Principles for Nonprofit Organizations;"

b. Section 440.2(b) is amended by removing the reference to § 440.2(a)(3) and in its place inserting § 440.2(a)(8).

§ 440.3 [Amended]

2. Section 440.3 is amended by removing the definition for "Eligible State."

§ 440.10 [Amended]

3. Section 440.10 is amended by removing the terms "eligible States" and "eligible State" in paragraphs (b) (1) and (2), respectively, and removing the term "eligible State" in paragraph (e) and inserting in their place the terms "States" and "State" in paragraphs (b) (1) and (2), respectively, and "State" in paragraph (e). Paragraph (b)(1) is also amended by removing "five million dollars" and inserting in its place "five million one hundred thousand dollars."

§ 440.16 [Amended]

4. Section 440.16 is amended by removing "\$100" in paragraph (a)(1)(iii) and in its place inserting "\$150;" and by removing paragraph (b), and in its place inserting the following new paragraph (b):

(b) Not more than 10 percent of any grant made to a State may be used by the grantee and subgrantees for administrative purposes in carrying out duties under this part, except that not more than 5 percent may be used by the State for such purposes.

§ 440.17 [Amended]

5. Section 440.17(a)(2) is amended by removing "to install weatherization materials," after " * * * weatherization services."

§ 440.21 [Amended]

6. Section 440.21 is amended by removing paragraph (d) and replacing it with a new paragraph (d), as follows:

(d) Each grantee shall ensure that audits by or on behalf of subgrantees are conducted with reasonable frequency, on a continuing basis, or at scheduled intervals, usually annually, but not less frequently than every two years, in accordance with OMB Circular

A-102, Attachment P, and OMB Circular A-110, Attachment F, as applicable.

[FR Doc. 81-18202 Filed 5-29-81; 8:45 am]
BILLING CODE 6450-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 213

[Reg. M; Docket No. R-0354]

Consumer Leasing; Regulation M; Correction

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final Regulation M (Consumer Leasing) that appeared at page 20949 in the Federal Register of Tuesday, April 7, 1981 (46 FR 20949). The action is necessary to correct typographical errors and footnote numbering in the document.

FOR FURTHER INFORMATION CONTACT: Steven Zeisel, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452-3867.

The following corrections are made in FR Doc. 81-10351 appearing on 20949 in the issue of April 7, 1981:

1. On page 20952, column 1, first full paragraph, § 213.2(17)(ii) is corrected by changing "unrefundable" to "nonrefundable * * *".

2. On page 20953, column 3, first full paragraph, § 213.5(b) is corrected by changing "schedule or lease terms" to "schedule of lease terms * * *".

3. On page 20954, at the bottom of column 3, footnotes 2 and 3 to Appendix A and corresponding text references are corrected by renumbering them 1 and 2.

4. On page 20955, at the bottom of column 1, footnotes 4 and 5 to Appendix A and corresponding text references are corrected by renumbering them 3 and 4.

5. On page 20956, at the bottom of column 1, footnotes 6, 7, and 8 to Appendix B and corresponding text references are corrected by renumbering them 1, 2, and 3.

6. On page 20956, column 2, first full paragraph, paragraph (b)(3) of Appendix B is corrected by deleting the parenthetical symbol preceding "(reasons) * * *".

7. On page 20956, at the bottom of column 2, footnote 9 to Appendix B and corresponding text reference is corrected by renumbering it 4.

8. On page 20956, column 3, second line, paragraph (c)(6) of Appendix B is

corrected by changing "lessess)" to "lessees) * * *".

9. On page 20956, at the bottom of column 3, footnote 10 is corrected by lowercasing the "A" in "Appendix * * *".

10. On page 20956, at the bottom of column 3, footnote 10 to Appendix B and corresponding text reference is corrected by renumbering it 5.

Board of Governors of the Federal Reserve System, May 22, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-16239 Filed 5-29-81; 8:45 am]

BILLING CODE 6210-01-M

12 CFR Part 226

[Reg. Z; Docket No. R-0288]

Truth in Lending; Revised Regulation Z; Correction

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final, revised Regulation Z (Truth in Lending) that appeared at page 20848 in the Federal Register of Tuesday, April 7, 1981 (46 FR 20848). The action is necessary to correct punctuation and typographical errors as well as dropped lines in the document.

FOR FURTHER INFORMATION CONTACT: Ann Marie Bray, Staff Assistant, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452-3378.

The following corrections are made in FR Doc. 81-10347 appearing on 20848 in the issue of April 7, 1981:

1. On page 20893 at the top of column 3, § 226.2(17)(iii) is corrected by capitalizing the "f" in "(finance * * *".

2. On page 20896, column 1, last paragraph, § 226.7(d) is corrected by adding a reference to footnote 15 following "annual percentage rate" at the end of the first sentence.

3. On page 20896, column 2, sixth paragraph, § 226.7(j) is corrected by changing "protion" to "portion * * *".

4. On page 20896, column 3, last full paragraph, § 226.8(a)(3) is corrected by changing the semi-colon following "statement" to a comma.

5. On page 20896, at the bottom of column 3, § 226.8(b) is corrected by adding "amount of the transaction; and at least" after "identification of the transaction"; the "and" before the texts of the footnotes.

6. On page 20897, column 1, second full paragraph, § 226.9(a)(2) is corrected by deleting the "ly" following "As an

alternative" and inserting in its place "to paragraph (a)(1) of this section, the creditor may mail or deliver, on or with each periodic statement, a statement substantially * * *".

7. On page 20903, column 3, first full paragraph, § 226.18(q) is corrected by adding "of the dwelling from the" after "purchaser" and before "consumer * * *".

8. On page 20906, column 3, last full paragraph, § 226.29(c) is corrected by deleting "to this part" which appears at the end of the paragraph.

9. On page 20907, column 1, first full paragraph, in the "Supporting Documents" section of Appendix A, paragraph (3) is corrected by adding "provision of the federal law, including a full discussion of the basis for the" after "A comparison of the state law with the corresponding" and before "requesting party's belief that the state provision is either inconsistent or substantially the same."

10. On page 20908, column 3, 3rd full paragraph, in Part I of Appendix D, paragraph B is corrected by adding "regard" after "If interest is payable on the entire commitment amount without" and before "to the dates or amounts of actual disbursement: * * *".

Board of Governors of the Federal Reserve System, May 22, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-16240 Filed 5-29-81; 8:45 am]

BILLING CODE 6210-01-M

12 CFR Part 226

[Reg. Z; Docket No. R-0288]

Truth in Lending; Revised Regulation Z; Technical Amendments

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; technical amendments.

SUMMARY: The Board is making technical amendments to Appendices H and J of its final rules on Regulation Z (Truth in Lending) published at 46 FR 20848, April 7, 1981.

FOR FURTHER INFORMATION CONTACT: Denise M. Rechter, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452-3667.

SUPPLEMENTARY INFORMATION: The final rules contained in FR Doc. 81-10347 are amended as follows:

1. On page 20926, the paragraph entitled "How to Cancel" of model form H-8 is amended by removing the "and"

that follows "You may use any written statement that is signed and dated by you and states your intention to cancel," and that precedes "or you may use this notice by dating and signing below." * * *

2. On page 20936, the second sentence of paragraph (7) of Appendix J is amended by changing the word "supplement" to "appendix * * *".

Board of Governors of the Federal Reserve System, May 22, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-16241 Filed 5-29-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 569a

[81-262]

Technical Amendment Relating to Receivership

May 18, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board has adopted a technical amendment to Part 569a of the Rules and Regulations of the Federal Savings and Loan Insurance Corporation. The amendment updates the return to be paid as post-default interest in receiverships established under section 406(c)(2), National Housing Act, as amended (12 U.S.C. 1729(c)(2) (1976)).

EFFECTIVE DATE: May 18, 1981.

FOR FURTHER INFORMATION CONTACT: Lawrence W. Hayes (202-377-6428), Associate General Counsel, or Ilsa K. Bush (202-377-6436), Attorney, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: By this Resolution, the Board has adopted an amendment to Part 569a, in the form of new subparagraph (6) to paragraph (a) of 12 CFR § 569a.7. The amendment alters the rate of interest or return to be paid as post-default interest on certain unsecured claims against receiverships established under section 406(c)(2) of the National Housing Act. The substantive determination to pay post-default interest is currently incorporated in Part 569a, but the specified regulatory rate of 5 per centum per annum is outdated. An appropriate return should allow for variations; the amendment therefore ties the return to the investment opportunity of the Federal

Savings and Loan Insurance Corporation.

The Board notes that under the rule adopted today, the post-default interest rate determined for each receivership remains in effect for the duration of that receivership as has historically been the case. However, an interest rate that varies with changed interest costs might be more consistent with recent Board initiatives to foster flexibility in long-term investment commitments. Therefore, the Board has asked its staff for a recommendation within 120 days on the feasibility of a further regulatory amendment to adjust the rate of post-default interest for each receivership periodically during the receivership to reflect subsequent changes in interest rates. The Board also solicits public comment during the next 120 days on the desirability of periodic adjustment of post-default interest rates during a receivership.

The Board finds that observance of the notice and comment period of 12 CFR 508.12 and 5 U.S.C. 553(b) and the 30-day delay of effective date of 12 CFR 508.14 and 5 U.S.C. 553(d) are unnecessary because the amendment pertains to Board procedure and practices (as described in 12 CFR 508.11), and to avoid uncertainty in pending cases it is in the public interest to provide for an immediate effective date.

PART 569a—RECEIVERS FOR INSURED INSTITUTIONS OTHER THAN FEDERAL SAVINGS AND LOAN ASSOCIATIONS

Accordingly, the Federal Home Loan Bank Board hereby amends Part 569a, Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

Amend paragraph (a)(6) of § 569a.7, to read as follows:

§ 569a.7 Priority of claims.

(a) * * *

(6) Interest at the Corporation's current investment opportunity rate from the date of default on the outstanding principal amount of all claims that qualify under paragraphs (a) (3), (4), and (5) of this section; and if the surplus is not sufficient to pay such post-default interest in full on all claims specified in this paragraph, the payment of interest shall be made pro rata on all such claims without regard to any priorities as to the payment of principal on said claims. For the purposes of this paragraph, the "Corporation's current investment opportunity rate" shall be the average annualized rate of return on the Corporation's investments made

during the calendar quarter in which the Receiver is appointed; and such investments shall include only those made pursuant to section 402(d) of the National Housing Act and shall not include any asset acquired under section 406(f) of the National Housing Act.

* * * * *

(Secs. 402, 406, 48 Stat. 1256, 1259, as amended; 12 U.S.C. 1725, 1729, Reorg. Plan No. 3 of 1947; 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-16304 Filed 5-29-81; 8:45 am]

BILLING CODE 6720-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Insured and Guaranteed Loans; Deregulation

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: In accordance with the established policy goals of clarifying and simplifying its regulations, the National Credit Union Administration Board (NCUA Board) has reviewed its existing regulation concerning the granting of government insured or guaranteed loans. As a result, NCUA will delete this regulation. The action will eliminate a regulation which duplicates provisions of the Federal Credit Union Act, Federal Credit Union Bylaws and other NCUA regulations.

EFFECTIVE DATE: May 29, 1981.

ADDRESS: National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456

FOR FURTHER INFORMATION CONTACT: Thomas A. Straslicka, Chief, Supervision Section, Office of Examination and Insurance, Telephone: (202) 357-1065.

SUPPLEMENTARY INFORMATION: Subsection 701.21-5(a) of the NCUA Rules and Regulations is virtually identical to Section 107(5)(A)(iii) of the Federal Credit Union Act. Subsection 701.21-5(b) of the NCUA Rules and Regulations reiterates provisions of Article IX, Sections 6 and 8 of the Federal Credit Union Bylaws and Subsections 701.21-1 (e) and (f) of the NCUA Rules and Regulations. The deletion of Section 701.21-5 reduces redundant instructions on the same subject. The deletion does not diminish or change in any way the Federal credit

union's responsibility to comply with the laws and regulations governing the insured or guaranteed loan program. Furthermore, it does not diminish or change in any way the responsibility of the credit committee to protect the interests of the credit union and determine that the borrower's application reflects his/her creditworthiness.

The Statement of Interpretation and Policy

When Federal Credit Unions Can Charge More Than 15 Percent Per Annum on Government Insured or Guaranteed Loans (IRPS 80-10), which was issued on October 23, 1980, provides NCUA's interpretation of the phrases "terms and conditions" and "specified". These phrases are contained in both Section 107(5)(A)(iii) of the Federal Credit Union Act and Section 701.21-5 of the NCUA Rules and Regulations, which is being eliminated by this final rule. Therefore, all references to Section 701.21-5 or Section 701.21-5(a) contained in IRPS 80-10 are to be deleted.

Regulatory Analysis: No regulatory analysis has been developed for this regulatory action because it will not result in (1) an annual effect on the economy of \$100 million or more, or (2) a major increase in costs or expenses for all, or a significant portion of Federal or Federally insured credit unions with assets under \$1 million or for other financial institutions.

Failure to Solicit Public Comment: The deletion of this regulation removes redundant instructions. Therefore, the Board for good cause, finds that notice and public procedure on this action is unnecessary and thus, exempt by 5 U.S.C. Section 533(6)(B).

Procedure for Regulatory Development: The procedures set forth in NCUA's Final Report: "Improving Government Regulations" have been waived in accordance with the exception provided in Part I of the final report. The official responsible for the decision is Todd Okun, Assistant General Counsel.

[12 U.S.C. Section 1757(5)(A)(iii), 1766(a)].

Beatrix D. Fields,

Acting Secretary, NCUA Board.

May 22, 1981.

Accordingly, 12 CFR Part 701 is hereby amended as set forth below.

§ 701.21-5 [Removed]

1. 12 CFR 701.21-5 is removed.

[FR Doc. 81-16304 Filed 5-29-81; 8:45 am]

BILLING CODE 7535-01-M

12 CFR Part 720

Developing Government Regulations;
Statement of Policy

AGENCY: National Credit Union Administration (NCUA).

ACTION: Statement of policy.

SUMMARY: This policy statement sets forth NCUA's procedures for developing regulations. These procedures are intended to ensure compliance with the Financial Regulation Simplification Act of 1980 and the Regulatory Flexibility Act of 1980.

EFFECTIVE DATES: June 1, 1981. However, comments are requested and will be evaluated through July 1, 1981.

ADDRESS: Send comments to: Robert S. Monheit, Regulatory Development Coordinator, Office of General Counsel, National Credit Union Administration, 1776 G. St., NW., Washington, D.C. 20450.

FOR FURTHER INFORMATION CONTACT: Robert S. Monheit, Senior Attorney or Beatrix D. Fields, Attorney-Advisor, Office of General Counsel at the above address or telephone (202) 357-1030.

SUPPLEMENTARY INFORMATION: This policy statement sets forth NCUA's procedures for developing regulations. The procedures are intended to ensure compliance with the requirements of the "Financial Regulation Simplification Act of 1980", Title VIII of P.L. 96-221, and the "Regulatory Flexibility Act of 1980", P.L. 96-354. The Financial Regulation Simplification Act requires that NCUA (as well as other Federal financial regulatory agencies) ensure that the need for a regulation is clearly established, that alternatives are considered, that compliance costs are minimized, that duplicative regulations are avoided, and that existing regulations are periodically reviewed. The Regulatory Flexibility Act establishes as a principle of rulemaking that, whenever possible, agencies will fit regulatory and informational requirements to the scale of the businesses, organizations and governmental jurisdictions subject to the rule.

In 1979, NCUA published its procedures for developing and improving its regulations within the spirit of the former E.O. 12044. These procedures were set forth in a Final Report: In Response to E.O. 12044, Appendix A to 12 CFR Part 720 ("Final Report"). This policy statement will replace and supercede the Final Report by discussing the basic procedures and statutory requirements for developing regulations. The internal procedures for

developing a regulation have been revised and set forth in a specific instruction to agency staff.

In accordance with the Regulatory Flexibility Act's provision defining "small entities", 5 U.S.C. 601, NCUA is seeking comments on a definition of "small credit unions". This policy statement includes an interim standard defining a "small credit union" as one having less than \$1 million in assets. We invite comment on this standard and suggestions for other appropriate standards.

By the National Credit Union Administration Board on the 21st day of May, 1981.

Beatrix Fields,

Acting Secretary of the Board.

[IRPS 81-4]

I. Statement of Policy and Coverage

It is the policy of NCUA to ensure that its regulations:

—Impose only minimum required burdens on credit unions, consumers, and the public;

—Are appropriate for the size of financial institutions regulated by NCUA;

—Are issued only after full public participation in the rulemaking process; and

—Are clear and understandable.

The procedures outlined below are designed to achieve these goals. In some cases, the procedures may, however, be inappropriate either because of factors outside of NCUA's control or because following the procedures is determined not to be in the public interest. Therefore, NCUA will not apply the procedures contained in this policy statement in the development of:

1. regulations that are required by statute to be developed on the record after oral hearings before the Administration;

2. regulations that are prepared in response to an emergency or that a statute or a court requires to be developed under a short deadline;

3. regulations where the process would be unnecessary or contrary to the public interest; and

4. matters that relate to the management of NCUA, its personnel, and its procurement of goods and services.

In the event that one of these exemptions is used and the procedures outlined in this policy statement are not followed, NCUA will notify the public and explain the reasons for not following the procedures.

II. Regulatory Development Coordinator

NCUA has designated a Regulatory Development Coordinator in the Office of General Counsel. It is this individual's responsibility to ensure that the development of regulations is accomplished in accordance with applicable laws and this policy statement. Specifically, the Regulatory Development Coordinator is responsible for: (a) coordinating the rulemaking process; (b) reviewing the issues raised by initiation statements and maintaining a record of the development of those issues; (c) preparing and publishing in the **Federal Register** the semi-annual agenda of regulations being developed by NCUA and of existing regulations being reviewed by NCUA; and (d) reviewing proposed and final regulations to ensure compliance with the requirements of the Administrative Procedures Act, the Regulatory Flexibility Act, the Financial Regulation Simplification Act, and the requirements of this policy statement.

III. Procedures For the Development of Regulations

1. *Proposed Rule.* The NCUA Board will designate an Office as the Office of Primary Interest (OPI) to oversee the development of a particular regulation. The OPI will prepare a draft of the proposed rule and an accompanying memorandum for submission to the Board, unless the Board finds that consideration of the memorandum is impracticable. The accompanying memorandum will include:

a. A description of the problem to be addressed by a regulation;

b. An assessment of the need for a regulation and a statement of the purpose and legal basis of a regulation;

c. Meaningful alternative approaches that can be developed to address the problem, and which approach, if developed into a final rule, may have a significant economic impact on small entities;

d. A statement, if applicable, of the reasons for concluding that the proposed rule will not have a significant economic impact on a substantial number of small entities;

e. An identification of other Federal regulations that may conflict with, be duplicated by, or be made inconsistent, as a result of adopting any of the alternatives;

f. Plans for obtaining public participation and for consulting with other regulatory agencies;

g. Anticipated target dates; and

h. Recommendations for further action.

The preamble to the proposed rule will include:

- a. A description of the need, purpose, and legal basis for the proposed rule;
- b. The name of a knowledgeable official who can be contacted for further information on the proposed rule;
- c. A request for comments for a period of 60 days from publication (or shorter if accompanied by a statement explaining the reasons for a shorter comment period); and

d. Either a summary of the initial regulatory flexibility analysis and a statement describing how a copy can be obtained, or a certification by the NCUA Board that the proposed rule will not have a significant economic impact on a substantial number of small entities, accompanied by an explanation of the reasons for the certification.

The proposed rule will be circulated for comment within the agency and then presented to the NCUA Board for approval. The proposed rule will then be published in the *Federal Register* and other appropriate publications. Comments received by NCUA on the proposed rule will be publicly available in the Office of General Counsel.

2. Initial Regulatory Flexibility Analysis. Prior to publishing a proposed rule subject to the general notice requirements of 5 U.S.C. 553, NCUA will prepare an initial regulatory flexibility analysis if the proposed rule will have a significant economic impact on a substantial number of small entities. Credit unions having less than \$1 million in assets will be considered to be small entities. The initial regulatory flexibility analysis may be combined with the memorandum accompanying the proposed rule, which addresses issues that the Simplification Act requires to be considered (see: Part III, section 1, above). This analysis will describe the impact of the proposed rule on small entities. A summary of the analysis will be published in the *Federal Register* as part of the preamble to the proposed rule. A copy of the analysis shall be transmitted to the Chief Counsel for Advocacy of the Small Business Administration.

Each initial regulatory flexibility analysis shall contain:

- a. A description of the reasons why action by the agency is being considered;
- b. A succinct statement of the objectives of, and legal basis for, the proposed rule;
- c. A description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply;
- d. A description of the projected reporting, recordkeeping and other

compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report of record;

e. An identification, to the extent practicable, of all relevant Federal rules which may duplicate overlap or conflict with the proposed rule; and

f. A description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities, including, when possible, consideration of: (i) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (ii) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (iii) the use of performance rather than design standards; or (iv) an exemption from coverage under the rule, or any part thereof, for such small entities.

In describing effects and alternatives, a quantifiable or numerical description may be used, or if not practicable or reliable, more general descriptive statements may be used. This analysis may be prepared in conjunction with or as part of any other analysis. Any series of closely related rules may be considered as one rule for purposes of preparing the initial regulatory flexibility analysis.

The initial regulatory flexibility analysis need not be prepared for any proposed rule if the Board certifies that the rule will not, if adopted, have a significant economic impact on a substantial number of small entities. The certification shall be published in the *Federal Register* at the time the proposed or final rule is published along with a succinct statement explaining the reasons for the certification. A copy of the certification and statement shall be forwarded to the Chief Counsel for Advocacy of the Small Business Administration.

The Board may waive or delay the completion of some or all of the requirements of the initial regulatory flexibility analysis by publishing in the *Federal Register*, no later than publication of the final rule, written findings and reasons for the delay provided that the final rule is promulgated in response to an emergency that makes compliance or timely compliance impracticable.

3. Compliance With the Paperwork Reduction Act. If a proposed regulation contains a recordkeeping or reporting

requirement that, if adopted, will be imposed upon 10 or more credit unions or persons, then a copy of the proposed rule will be sent to the Office of Management and Budget (OMB) prior to publication. OMB will then have 60 days after publication to comment on the recordkeeping or reporting requirement, and may request additional information from NCUA. If OMB does comment, NCUA will respond to those comments in the preamble to the final rule. If OMB thereafter disapproves the reporting or recordkeeping requirement, the NCUA Board can override this by a majority vote. NCUA may ask for an expedited clearance if the normal review period may cause public harm or if it will disrupt the collection of information related to an unanticipated event or if it will result in missing a statutory deadline.

4. Final Regulatory Flexibility Analysis. A final regulatory flexibility analysis is prepared for all rules that required the publication of a general notice of proposed rulemaking and that will have a significant economic impact on a substantial number of small entities. This analysis may be included in the Final Review Memorandum (see Part II, section 5, below).

Each final regulatory flexibility analysis shall contain:

- a. A succinct statement of the need for, and the objectives of, the rule;
- b. A summary of the issues raised by the public comments in response to the initial regulatory flexibility analysis, a summary of the assessment by the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments; and
- c. A description of each of the significant alternatives to the rule which were considered by the agency, and a statement of the reasons why each one of such alternatives was rejected.

In describing effects and alternatives, a quantifiable or numerical description may be used, or if not practicable or reliable, more general descriptive statements may be used. Any series of closely related rules may be considered as one rule for purposes of preparing the final regulatory flexibility analysis.

The final regulatory flexibility analysis need not be prepared for any final rule if a proposed rule was not required by 5 U.S.C. § 553 or if the Board certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The certification shall be published in the preamble to the final rule along with a succinct statement explaining the reasons for the certification. A copy of

the certification and statement shall be forwarded to the Chief Counsel for Advocacy of the Small Business Administration.

The Board may not waive the completion of any of the requirements of the final regulatory flexibility analysis but the Board may delay the completion of the requirements for not more than 180 days after publishing the final rule. The Board must publish in the *Federal Register*, no later than publication of the final rule, a written finding and reasons for the delay and indicate that the final rule is being promulgated in response to an emergency that makes timely compliance with the requirements of the final regulatory flexibility analysis impracticable. If the final regulatory flexibility analysis is not prepared within 180 days of publishing the final rule, the rule lapses and has no effect, and it may not be repromulgated until the analysis has been completed.

NCUA will make copies of the analysis available to members of the public and will describe in the *Federal Register*, at the time the final rule is published, how copies can be obtained.

5. Final Review Memorandum.

Following the comment period and after public participation procedures have been completed, all information received is reviewed. Along with the NCUA Board's review of the draft final regulation, the NCUA Board evaluates the final review memorandum which indicates that the following policy issues have been considered with regard to developing the final regulation:

- a. The need for and purpose of the regulation is established clearly;
- b. Meaningful alternatives to the promulgation of the regulation were considered;
- c. Compliance costs, paperwork, and other burdens on federal credit unions, consumers, and the public are minimized;
- d. Conflicts, duplication and inconsistencies between the regulations issued by the Federal financial regulatory agencies have been avoided to the extent possible taking into account differences in statutory responsibilities, the classes of regulation and methods of implementation or policy objectives;
- e. Timely participation and comment by other Federal agencies, appropriate State and local agencies, financial institutions, and consumers was available; and
- f. The regulation appeared to be as clearly written as possible and understandable by those subject to the regulation.

Support for establishing that these issues have been considered may be set

forth in the final memorandum or in the preamble to the final regulation or as part of a final regulatory flexibility analysis.

7. *Final Rule.* The Office of Primary Interest will prepare a draft final rule to be circulated within NCUA for comments. The preamble of final rule will contain:

- a. A statement of the need, purpose, and legal basis for the rule;
- b. The name of a knowledgeable official who can be contacted for further information on the final rule;
- c. A summary of the significant comments received in the proposed rule;
- d. A description of how a copy of the final regulatory flexibility analysis (if any) can be obtained; and
- e. A statement responding to comments submitted by OMB on the recordkeeping or reporting requirements (if any).

The final rule will be presented to the NCUA Board for approval. It will then be published in the *Federal Register* and other appropriate publications.

IV. Review of Existing Regulations

NCUA shall periodically update, clarify and simplify existing regulations and eliminate redundant and unnecessary provisions. The regulations under review are listed in the semi-annual regulatory agenda (see Part VI). After the initial review, regulations will be reviewed for need, clarity, and efficiency at least once every ten years.

V. Opportunity for Public Participation

This part describes the methods provided by NCUA for the public to participate in the development of its regulations.

1. *Initiating a regulation.* A member of the public may recommend that NCUA develop a regulation or revise an existing regulation. The recommendation should be submitted, in writing, and should contain a statement of the issues, the opinion and recommendations of the person submitting the statement, any data that is relevant to the issues, an indication of the support of others for the recommendations, and a description of the interest that the person has in the action requested.

2. *Public participation in rulemaking.* A number of methods will be used by NCUA to encourage public participation in the development and review of regulations. The methods used will depend upon the stage of the proceedings, the issues involved, the amount of expressed interest, and the public sector affected by the regulation.

a. *The Semi-Annual Regulatory Agenda.* The agenda, which is described

in detail in Part VI, will advise the public on the status of regulations being developed, will give target dates for the review of existing regulations, will identify regulations that may have significant economic impact on small entities, and will provide the name of an NCUA official to contact for further information. The Agenda can be used by the public to track the development of regulations and to identify opportunities to participate in the rulemaking process.

b. *Advance notice of proposed rulemaking.* This notice, when the Board determines it is appropriate, will be published in the *Federal Register* and will set forth the problems identified by NCUA that may give rise to a regulation. The Advance Notice will briefly described some of the options being considered and the restrictions that the law imposes, and will ask the public to send written comments to an NCUA official named in the notice. This will permit public participation before a proposed rule is drafted.

c. *Questionnaires.* When it is determined that there is not sufficient data to proceed with the development of a regulation, NCUA will (in accordance with the requirements of the Paperwork Reduction Act of 1980) send out questionnaires to parties likely to be affected by the regulation. The information obtained from the questionnaires should enable NCUA to decide whether there is a need for a regulation and the most efficient and effective means for dealing with the subject of the regulation.

d. *Articles.* NCUA will publish articles in its own publications, and will, on occasion, contribute articles to interested trade publications. These articles will discuss regulations being developed and will include the name of an NCUA official to whom comments can be sent. Also, NCUA will publish copies of proposed and final regulations.

e. *Copies of proposed regulations.* Members of the public can regularly receive copies of proposed regulations by being included on NCUA's regulation mailing list. To be included on the mailing list, persons should write to the Office of Administration, National Credit Union Administration, Washington, D.C. 20456. In this way, persons who have expressed an interest in the development of a regulation, but who do not have regular access to the *Federal Register*, will be assured of receiving a copy of a proposed regulation with sufficient time to comment prior to the close of the comment period.

f. *Public comment.* NCUA will continue to solicit public comment on

proposed regulations as required by the Administrative Procedures Act, 5 U.S.C. Section 553. As a matter of policy, NCUA believes that the public should be given at least 60 days (from the date of publication in the Federal Register) to comment on a proposed regulation. If the comment period is less than 60 days, or is extended beyond 60 days, NCUA will publish a statement in the Federal Register (usually along with the publication of the proposed regulation) explaining the reasons for the change. NCUA will consider, during the comment period, any request to extend the comment period.

g. *Public hearings or conferences.* If NCUA determines that the written comments that it has received do not provide sufficient information or do not adequately represent significantly varying public interests, public hearings or conferences will be held. Depending upon the nature of the issues involved and the interest expressed in the written comments received, these public meetings will vary from informal conferences between NCUA officials and interested members of the public at which the issues are discussed, to hearings at which oral testimony is recorded and written testimony may be submitted. NCUA will also consider, where appropriate, holding hearings or conferences at each NCUA Regional Office around the country as well as at the Central Office in Washington, D.C. Further, NCUA will consider funding appropriate groups and individual credit union members when appropriate to attend the hearings held in Washington. Eligible applicants must represent a significant viewpoint that would not otherwise be adequately represented and must not have available resources to attend.

h. *Procedures for consulting State and local government officials.* When it appears that a regulation under development will have significant impact on relations between NCUA and State or local governments, NCUA will send to the appropriate government official an advance notice of the development of a regulation or an advance copy of the proposed regulation being developed. This will ensure that affected State and local governments have an opportunity to submit their views.

i. *Participation by small entities.* When a rule, if promulgated, will have a significant economic impact on a substantial number of small entities, NCUA will make additional efforts to ensure that small entities will participate in the rulemaking process. When appropriate, NCUA will: (1) if an

advance notice of proposed rulemaking is issued, identify those alternatives that may have significant economic effect on a substantial number of small entities; (2) publish proposed rules in publications likely to be obtained by small entities; (3) send notices directly to interested small entities; or (4) conduct open conferences or public hearings on proposed rules having significant economic impacts on a substantial number of small entities.

VI. Semi-Annual Regulatory Agenda

In April and October, NCUA will publish in the Federal Register an agenda listing the regulations being considered and/or developed by NCUA and also listing those existing regulations undergoing periodic review. However, NCUA is not precluded from considering or acting on any matter not included in the agenda and is not required to consider or act on any matter listed in the agenda. The agenda will, for each regulation listed in it, contain the following information:

a. The need for objectives of the regulation and the legal basis for issuing it;

b. A brief indication, where applicable, of whether the regulation will have an economic impact on a substantial number of small entities;

c. The status of the regulation at the time the agenda is published, the approximate schedule for completing action on a proposed rule that has been issued, and the target date for the review of an existing regulation; and

d. The name and telephone number of an NCUA official who is familiar with the regulation.

Each agenda shall be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment, if any. Further, NCUA will provide notice of the agenda to small credit unions through direct notification or through publications likely to be obtained by small credit unions. Comments on each regulation discussed in the agenda are invited.

[FR Doc. 81-16301 Filed 5-29-81; 8:45 am]
BILLING CODE 7635-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 124

Minority Small Business and Capital Ownership Development Assistance

AGENCY: Small Business Administration.

ACTION: Interim rule.

SUMMARY: Pub. L. 96-481 (October 21, 1980) requires SBA to negotiate with every Section 8(a) concern a fixed

period of time ("Fixed Program Participation Term") for the concern to remain in the Minority Small Business and Capital Ownership Development Program. Among the other provisions of that statute is the prohibition against the award of Section 8(a) contracts after June 1, 1981, to any concern which does not have an SBA approved Fixed Program Participation Term. In order to implement this statute, SBA has published elsewhere in this Federal Register a Notice of Proposed Rulemaking (proposed 13 CFR § 124.1-1(f)). As can be seen, the effective date of these proposed regulations, when adopted in final form, will be after June 1, 1981, the date after which the statute prohibits the award of Section 8(a) contracts to a concern which does not have an SBA approved Fixed Program Participation Term. Accordingly, in order to avoid disruption in the operations of Section 8(a) concerns if the limitations of the June 1, 1981, date are imposed, this interim regulation authorizes temporary Fixed Program Participation Terms for concerns beginning June 1, 1981.

DATES: This interim rule is effective June 1, 1981. This regulation and any Fixed Program Participation Terms authorized hereunder will expire on November 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Charlie L. Dean, Chief Counsel for Special Programs, tel. 202/653-6699.

SUPPLEMENTARY INFORMATION: This interim rule is effective upon publication due to the noted exigency of the situation. This regulation and any fixed Program Participation Terms authorized hereunder will expire on November 30, 1981. Before that date, it is anticipated that the permanent Fixed Program Participation Term regulations, referenced above, will have been adopted in final form and that regular Fixed Program Participation Terms will be negotiated pursuant thereto.

For the purpose of Executive Order 12291, effective February 17, 1981, SBA hereby determines that this rule would not constitute a major rule. In addition, it is hereby certified that, for the purposes of the applicability of the requirements of sections 603 and 604 of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980, 5 U.S.C. 603 and 604), this rule will not have a significant economic impact on a substantial number of small entities. This rule governs only those firms which have been or will be admitted to participate in SBA's Section 8(a) program. This number is not substantial

relative to all small business firms in the United States.

Dated: May 27, 1981.

Michael Cardenas,
Administrator.

Therefore, pursuant to the authority of section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), the Small Business Administration hereby amends Part 124 of its regulations (13 CFR Part 124) by adding a new § 124.1-1(g) to read as follows:

§ 124.1-1 The section 8(a) program.

(g) Fixed Program Participation Term.

(1) In addition to Program Completion and Program Termination, set forth in subsections (d) and (e) of this section, every program participant shall be subject to a Fixed Program Participation Term. A Fixed Program Participation Term will establish the ultimate time period during which a concern may remain in the program and the conditions thereof, regardless of whether competitiveness is reached or Program Completion action is effected.

(2) The purpose of this interim rule is to provide for temporary Fixed Program Participation Terms pending adoption of permanent Small Business Administration regulations (proposed 13 CFR 124.1-1(f)) setting forth the detailed policies and procedures for establishing regular Fixed Program Participation Terms. A temporary Fixed Program Participation Term, authorized pursuant to this rule, shall not extend beyond November 30, 1981.

(3) This Fixed Program Participation Term shall be negotiated between SBA and each small concern which is a participant or has applied for participation in the program.

(4) The provisions of the Fixed Program Participation Term, including the time limitations therefor, shall be set forth in the SBA approved business plan of the program participant.

(5) No contracts pursuant to 8(a) of the Small Business Act shall be awarded to any concern unless it has received and is operating under an SBA approved Fixed Program Participation Term.

(6) Nothing in this subsection (g) shall be construed to limit SBA from initiating Termination actions, pursuant to subsection (e) above, or Completion actions, pursuant to subsection (d) above, during any Fixed Program Participation Term granted herein.

(7) At the end of the temporary Fixed Program Participation Term authorized herein, a concern will cease to be a program participant unless it has received a Fixed Program Participation Term under the applicable permanent

regulations (proposed 13 CFR 124.1-1(f)). This cessation of program participation shall occur without the necessity of any additional action by SBA; also it shall not give rise to any rights, claims or prerogatives on behalf of the concern. Cessation of program participation at the conclusion of a Fixed Program Participation Term shall not be subject to the hearings or other requirements of section 8(a)(9) of the Small Business Act (15 U.S.C. 637(a)(9)) or any implementing rules or regulations.

(8) This regulation and any temporary Fixed Program Participation Terms in effect thereunder shall expire on November 30, 1981.

[FR Doc. 81-10382 Filed 5-29-81; 6:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-3, Amdt. 39-4118]

Bell Helicopter Textron Model 206L-1 Helicopter; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) which required the fuel filter on Bell Helicopter Textron (BHT) Model 206L-1 helicopters to be moved from its present position behind the engine turbine module to a location on the forward firewall and the relocation of an oil line. The AD is amended to include replacement of the freewheeling oil hose assembly on helicopters equipped with the BHT IFR Kit. This will reduce the possibility of fires in the event of turbine disintegration.

DATES: Effective June 1, 1981. Compliance is required within the next 50 hours' time in service after the effective date of this AD.

ADDRESS: The Alert Service Bulletins specified in this AD may be obtained from Bell Helicopter Textron, Product Support Department, P.O. Box 482, Fort Worth, Texas 76101.

A copy of each service bulletin is contained in the Rules Docket, Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: R. H. A. West, Propulsion Section, ASW-214, Engineering and Manufacturing Branch, Federal Aviation

Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 525.

SUPPLEMENTARY INFORMATION: This notice amends Amendment 39-4063, 46 FR 16884, AD 81-06-05, which required relocation of a fuel filter and associated hoses and on non-IFR equipped helicopters, the replacement of an oil hose.

After issuing Amendment 39-4063, 46 FR 16884, AD 81-06-05, installation data and hoses became available for replacement of the freewheeling aft oil hose assembly with a shorter hose on IFR equipped helicopters. Therefore, the FAA is amending Amendment 39-4063.

There have been failures and subsequent disintegration of the turbine wheel on the Detroit Diesel Allison Model 250-C28B engine used on the BHT Model 206L-1 helicopter. In two cases, fragments from the disintegrating turbine wheels penetrated flammable fluid carrying hoses near the engine and serious fires resulted. Since this condition is likely to exist or develop on other helicopters of the same type design, this amended airworthiness directive is being issued to require the relocation of components containing flammable fluids so that they do not cross the turbine wheel plane of rotation. The components affected are the fuel filter with its associated fuel lines and the oil line to the freewheeling assembly.

Since a situation exists which requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-4063, 46 FR 16884, AD 81-06-05 by revising it to read as follows:

Bell: Applies to Model 206L-1 helicopters. Paragraph (a) applies to S/N 45154 through 45448.

Paragraph (b) applies to helicopters equipped with the BHT IFR Kit.

Compliance is required within the next 50 hours' time in service after the effective date of the AD unless already accomplished.

To prevent fires due to fuel/oil lines severed by a disintegrating turbine wheel, accomplish the following:

(a) Per the instructions in BHT Alert Service Bulletin No. 206L-80-13, "Modification of Engine Fuel Filter, Associated Fuel Hoses and Freewheeling Oil

Hoses," dated February 17, 1980, perform the following modifications:

(1) On all affected rotorcraft, relocate the fuel filter from its present position to the specified location on the forward firewall.

(2) Replace the aft freewheeling oil hose on all affected rotorcraft except rotorcraft equipped with the BHT IFR Kit.

(3) As applicable, replace bleed air tubes to avoid an interference at the new filter location.

(b) Per the instructions in BHT Alert Service Bulletin No. 206L-81-19, "Replacement of Freewheeling Aft Oil Vent Hose Assembly, P/N 124F001ABB03 11SS," dated February 24, 1981, replace the aft freewheeling oil hose on all affected rotorcraft equipped with BHT IFR Kit.

(c) Any alternate method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Bell Helicopter Textron, Product Support Department, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, and at the FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at their headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

This amendment becomes effective June 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89))

Note.—The FAA has determined that this involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 28, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since the amendment adds only those helicopters which have been equipped with the BHT IFR Kit. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Tex., on May 13, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-18195 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-GL-7-AD, Admt. 39-4123]

Detroit Diesel Allison Model 250-B17 and 250-C20 Series Engines; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) which requires replacement of certain third stage turbine wheels manufactured by Detroit Diesel Allison and applicable to the Models 250-B17 and 250-C20 series engines. The wheels are subject to a subsequent blade separation after a hot start. Several failures have resulted in a loss of engine power. Additional turbine wheels that are subject to failure are included in this amendment.

DATE: Effective June 3, 1981. Compliance schedule—As prescribed in body of the AD.

ADDRESSES: The applicable engine service documents may be obtained from Detroit Diesel Allison, Division of General Motors Corporation, Indianapolis, Indiana 46206.

A copy of the service information referenced in this AD is contained in the Rules Docket, Room 415, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois 60018; and at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. Royace Prather, Engineering and Manufacturing Branch, AGL-214, Flight Standards Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois, 60018, telephone number (312) 694-7132.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3585 44 FR 58683, AD 79-21-01, which currently requires removal of turbine wheels from service after a hot start on Detroit Diesel Allison Model 250-B17 and 250-C20 series engines. After issuing Amendment 39-3585, additional blade separation and subsequent investigations have resulted in a determination to require that additional part number turbine wheels must be included. Therefore, the FAA is amending Amendment 39-3585 to

include additional part number turbine wheels on Detroit Diesel Allison Model 250-B17 and 250-C20 series engines.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 3913 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3585 44 FR 58683, AD 79-21-01, by revising it to read:

79-21-01 R1 Detroit Diesel Allison:

Amendment 39-3585 as amended by Amendment 39-4123. Applies to 250-B17, 250-B17B, 250-C20, 250-C20B, and 250-C20C (MIL. T63-A-720) engines equipped with third stage turbine wheel Part Numbers 6898551, 6898567, 6898733, 6898743, 6898753, 6898763, 6899406, 6899415, 6899416, 6899417, 6899418, 6899419, 6898863, 6898823 and 6899364 installed in aircraft certificated in all categories.

Compliance required as follows unless previously accomplished:

(a) For engines that have previously experienced a hot start beyond the established limits, compliance must be accomplished prior to further flight.

(b) For engines that experience a hot start beyond the established limits after the effective date of this AD, compliance must be accomplished prior to further flight, except that the aircraft may be flown in accordance with FAR 21.197 to a base where the removal can be performed.

To preclude possible engine power loss resulting from third stage turbine wheel blade separation, remove the turbine wheels from service if the following temperature-time limits are exceeded and install an FAA Approved part number turbine wheel.

Temperature range	Time limit
610°-927°C (1140°-1700°F)	10 seconds maximum.
Over 927°C (1700°F)	0 seconds.

The turbine wheels may not be reworked and reinstalled after a hot start.

Note.—Time at temperature limits is not additive and may be repeated without restriction.

(Detroit Diesel Allison Commercial Service Letter 1051, Rev. 3, for the 250-B17 series engines and Commercial Service Letter 1084, Rev. 3, for the 250-C20 series engines also pertain to this subject)

This amendment becomes effective June 3, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421,

1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a final regulation which is not considered to be significant as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A final regulatory evaluation prepared for this document is contained in the public docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact." It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant economic impact on a substantial number of small entities.

This rule is final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Des Plaines, Ill., on May 19, 1981.
Frederick M. Isaac,

Acting Director, Great Lakes Region.

[FR Doc. 81-10193 Filed 5-29-81; 6:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-SO-6]

Designation of Control Zone and Alteration of Transition Area, Jupiter, Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates the Jupiter, Florida, Control Zone and lowers the base of controlled airspace in the vicinity of the William P. Gwinn Airport, formerly United Technologies Airport, from 700 feet AGL to the surface. The description of Jupiter, Florida, Transition Area is altered by changing the airport name and correcting the airport geographic location.

EFFECTIVE DATE: 0901 GMT, August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Carl F. Stokoe, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Monday, March 16, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Jupiter, Florida, Control Zone and alter the Jupiter, Florida, Transition Area. The existing

nonfederal airport traffic control tower on the private use William P. Gwinn Airport, formerly United Technologies Airport, meets the requirements for establishment of a part-time control zone with regular hours of operation. In order to provide the maximum level of safety, designated airspace protection to the surface is required to contain Instrument Flight Rule (IFR) operations near the airport.

It is necessary to alter the description of the Jupiter, Florida, Transition Area to reflect the airport name change and correct the airport geographic location (46 FR 16900). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. The Palm Beach County Department of Airports registered their concern with regard to IFR operations regarding a proposed airport site and the possible interaction that may occur between the two airports. In considering the effect that airspace action would have on neighboring airports, the FAA can only consider plans on file. At the present time, the airport site of concern to Palm Beach County is one of several proposed sites. A site selection has not yet been made. Until such time as a selection is made and an Airport Layout Plan established, the requirements for future IFR operations cannot be identified.

No other comments or objections were received.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations designates the Jupiter, Florida, Control Zone and alters the Jupiter, Florida, Transition Area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171, Subpart F, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (46 FR 455) is further amended, effective 0901 GMT, August 6, 1981, as follows:

Jupiter, Florida

Within a 5-mile radius of William P. Gwinn Airport (lat. 26°54'29"N., long. 80°19'45"W.); within 3 miles each side of the 267° bearing from the United RBN (lat. 26°54'32"N., long. 80°19'59"W.), extending from the 5-mile radius zone to 8.5 miles west of the RBN; excluding the area within a 1.5-mile radius of Citrus Ridge Airport (lat. 26°50'14"N., long. 80°17'10"W.). This control zone is effective from 0700 to 1900 hours, local time, daily.

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540)

is further amended, effective 0901 GMT, August 6, 1981, as follows:

Jupiter, Florida

*** United Technologies Airport (lat. 26°54'28"N., long. 80°19'38"W.) *** is deleted and *** William P. Gwinn Airport (lat. 26°54'29"N., long. 80°19'45"W.) *** is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on May 20, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-10160 Filed 5-29-81; 6:55 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-NE-27]

Amend the Description of the Martha's Vineyard, Massachusetts Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The present description of the Martha's Vineyard Airport Control Zone is described with reference to the Edgartown Non-directional Radio Beacon (NDB) which has been decommissioned. Therefore, the description of the control zone is being revised to delete reference to the NDB.

EFFECTIVE DATE: June 2, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Taylor, Operations Procedures and Airspace Branch, ANE-535, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7285.

SUPPLEMENTARY INFORMATION: On August 21, 1980, on page 55760 of the Federal Register (45 FR 55760), a Notice of Proposed Rulemaking was published stating that the Federal Aviation Administration proposed to amend the control zone at Martha's Vineyard Airport, Martha's Vineyard, Massachusetts. Interested persons were invited to participate in this rulemaking process by submitting written comments on the proposal to the Federal Aviation Administration. No objections were received.

The Rule

The FAA is amending subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by amending the description of the Martha's Vineyard Airport Control Zone.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR of Part 71), by amending the description of the Martha's Vineyard, Massachusetts Control Zone to read as follows:

Within a 5-mile radius of Martha's Vineyard Airport (latitude 41°23'35"N, longitude 70°36'50"W); within 4.5 miles each side of the Martha's Vineyard VOR 055° radial extending from the 5-mile radius zone to 8.5 miles NE of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Sections 307(a) and 313(c) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a) and 1354(c); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c) and 14 CFR 11.69).

Note.—The FAA has determined that this document involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Burlington, Massachusetts on May 21, 1981.

Robert E. Whittington,
Director, New England Region.
[FR Doc. 81-10168 Filed 5-29-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-AEA-78]

Alteration of Airway V-213

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Final rule.

SUMMARY: This action establishes a low altitude airway between Robbinsville, N.J., and Solberg, N.J., VORTACs. This airway doglegs in alignment with a maximum authorized altitude (MAA) of 8,000 feet that is required to avoid delegated airspace. The traffic that now operates on this route is essentially lower en route between Atlantic City, Newark, and other satellite airports and by designating it as an airway reduces verbiage in spelling out this route, thereby, reducing the chance of a misunderstanding.

EFFECTIVE DATE: August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

History

On March 16, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend Federal Airway V-213 to Sparta, N.J. VORTAC (46 FR 16899). This route, presently undefined on the charts, is used for traffic that operates in tower controlled airspace between Atlantic City, Newark, and other satellite airports. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) extends Federal Airway V-213 to Sparta, N.J. VORTAC via the intersection of Robbinsville 025° and Solberg, N.J., 145° magnetic radials;

Solberg; direct to Sparta. This route, presently undefined on the charts, is used for traffic that operates in tower controlled airspace between Atlantic City, Newark, and other satellite airports. This action also establishes that a MAA between Robbinsville and Sparta be designated at 8,000 feet. The dogleg alignment of the extension, along with the MAA, is established to avoid delegated airspace. This action will reduce verbiage in defining the route and will help the pilots in planning their routes through the impacted area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished and amended (46 FR 409 and 45 FR 71773) is further amended, effective 0901 GMT, August 6, 1981, by deleting under V-123 the period after "Robbinsville" and adding the words "; INT Robbinsville 015° and Solberg, N.J., 135° radials; Solberg; to Sparta, N.J. The airspace above 8,000 feet MSL between Robbinsville and Sparta is excluded."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on May 22, 1981.

B. Keith Potts,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-10163 Filed 5-29-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ARM-21]

Correction to Previously Established Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment corrects the Powell, Wyoming, 700' and 1,200' transition areas. This action is necessary as a result of an error in the 1,200' transition area description as published in the final rule for Airspace Docket Number 80-ARM-21.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT:

David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 340-5494.

SUPPLEMENTARY INFORMATION:

History

On Monday, January 12, 1981, the Federal Aviation Administration (FAA) published for comment (46 FR 2630) a proposal to establish a 700' and 1,200' transition area at Powell, Wyoming. The only comments received as a result of the circular expressed no objections. On Thursday, April 30, 1981, the FAA published the final rule (46 FR 24170) which established the transition area; however, there was an error in the 1,200' transition area text.

Drafting Information

The principal authors of this document are David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective upon publication, as follows:

In the Powell Wyoming transition area text in line 13 delete, "latitude 44°11'00" N.," and substitute, "latitude 44°16'00" N.;" in line 22, delete "west side of V-465," and substitute, "east side of V-465."

(Sec. 307(a) Federal Aviation Act of 1958 as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034) since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. Also, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Aurora, Colorado, on May 18, 1981.

F. L. Cunningham,
Acting Director.

[FR Doc. 81-16165 Filed 5-29-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Parts 71 and 73

[Airspace Docket No. 81-AAL-6]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points and Special Use Airspace; Amendment to Restricted Area R-2202 A and B, Big Delta, Alaska

Correction

In FR Doc. 81-15138 appearing on page 27632 in the issue of Thursday, May 21, 1981; on page 27633, second column, fifteenth line from the bottom should have read:

"Boundaries, Beginning at Lat. 64°14'45" N.,"
BILLING CODE 1505-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 460

Trade Regulation Rule; Labeling and Advertising of Home Insulation

AGENCY: Federal Trade Commission.

ACTION: Extension of time in which to comment on tentative partial exemption.

SUMMARY: On March 24, 1981, the Federal Trade Commission announced that it had tentatively decided to grant an exemption to manufacturers of certain types of cellulose insulation from the requirement in § 460.5(a)(2) of its Trade Regulation Rule on labeling and advertising of home insulation [46 FR 18307]. Section 460.5(a)(2) requires that tests to determine the R-value of cellulose insulation be conducted at settled density, as determined by a specific test procedure. The partial exemption would be conditioned upon the use of a specific alternative procedure to determine settled density. The Commission has extended the time period during which it will accept written comments on the proposed exemption until June 22, 1981.

DATES: Written comments regarding the Commission's tentative decision to grant the conditional exemption will be accepted until June 22, 1981.

ADDRESSES: Written comments should be addressed to the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580. All comments should be captioned: "Comment on

Proposed Partial Exemption for Cellulose Manufacturers—Home Insulation Rule, FTC File No. 215-59."

FOR FURTHER INFORMATION CONTACT:

Kent C. Howerton, 202-724-1514, Attorney, Division of Energy and Product Information, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: In response to a petition filed by two (2) cellulose manufacturers, the Federal Trade Commission tentatively decided to grant an exemption to manufacturers of certain types of cellulose insulation from the requirement in § 460.5(a)(2) of its home insulation Trade Regulation Rule [46 FR 18307]. Section 460.5(a)(2) requires that tests to determine the R-value of cellulose insulation be conducted at settled density, as determined by the General Services Administration's (GSA) Federal Specification HH-1-515D (June 15, 1978). The partial exemption would be conditioned upon the use of an alternative procedure to determine settled density which is incorporated as Method B, Specification 51-GP-60M (April, 1979) of the Canadian Government Specifications Board (CGSB).¹ The Canadian specification permits the calculation of settled density by adjusting a blown density result by a factor of 1.27.

In making its tentative decision to grant the exemption, the Commission considered research data collected by the National Research Council of Canada (NRCC) in developing the procedure incorporated as Method B in CGSB Specification 51-GP-60M.² The Commission found that the Canadian research data, and the action of the Canadian government in incorporating the factor procedure into its specification, presented a strong *prima facie* case for the accuracy of the factor procedure.³ Therefore, the Commission also issued a temporary partial stay of the requirement that those cellulose manufacturers use the settled density test procedure which was required by GSA Specification HH-1-515D (June 15, 1978), pending a final Commission decision on the exemption petition. The stay is conditioned on the use of Method B in CGSB Specification 51-GP-60M.⁴

The Commission solicited written public comments during a thirty (30) day period, until April 23, 1981, on the

¹ A copy of CGSB Specification 51-GP-60M is available for public inspection as document number X-16 in FTC File No. 215-59.

² 46 FR 18307, 18308 (1981).

³ *Id.*

⁴ *Id.*

proposed exemption.³ On April 23, 1981, the Commission received a request from Mr. James R. Blasius, Chairman of an American Society of Testing and Materials (ASTM)⁴ task force, for an extension of sixty (60) days in which to file a written comment. Mr. Blasius' task force is in the process of rewriting GSA's Federal Specification into ASTM form, and in evaluating different settled density approaches. Mr. Blasius requests the additional time to review CGSB Method B and form a written opinion to be filed with the Commission.

Comments filed during the thirty (30) day period by various cellulose insulation manufacturers demonstrate conflicting positions concerning the proposed exemption. Particularly in light of this situation, staff believes that the views of the ASTM task force could significantly benefit the Commission in making a final decision on the proposed exemption. However, the Commission believes that any extension should be granted to all interested parties. Therefore, the Commission has granted a sixty (60) day extension, from April 23, 1981, in which all interested parties can file written comments on the proposed exemption. The extension will make all written comments due by June 22, 1981.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-16243 Filed 5-29-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 21759; Amdt. No. 1191]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide

safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is \$135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further,

airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * Effective September 3, 1981

Montgomery, NY—Orange County, VOR-A, Original, cancelled

³ *Id.* at 18307-09.

⁴ ASTM is a private standards-setting organization. Section 490.5(a) of the rule requires that R-values be determined according to specific test procedures developed by ASTM.

Newburgh, NY—Stewart, VOR Rwy 16, Amdt. 2, cancelled
 Newburgh, NY—Stewart, VOR Rwy 27, Amdt. 2, cancelled
 Wurtsboro, NY—Wurtsboro-Sullivan County, VOR-A, Original, cancelled
 * * * Effective August 6, 1981
 Orland, CA—Haigh Field, VOR-A, Amdt. 1
 * * * Effective July 9, 1981
 Shelbyville, IN—Shelbyville Muni, VOR Rwy 18, Amdt. 6
 Olathe, KS—Johnson County Executive, VOR Rwy 17, Amdt. 3, cancelled
 Boston, MA—General Edward Lawrence Logan Intl, VOR/DME Rwy 15R, Amdt. 14
 Lawrence, MA—Lawrence Muni, VOR Rwy 23, Amdt. 7
 Flint, MI—Bishop, VOR Rwy 27, Amdt. 16
 Gaylord, MI—Otsego County, VOR Rwy 9, Amdt. 2
 Gaylord, MI—Otsego County, VOR Rwy 27, Amdt. 2
 Fergus Falls, MN—Fergus Falls Muni-Einar Mickelson Fld, VOR Rwy 17, Amdt. 1
 Fergus Falls, MN—Fergus Falls Muni-Einar Mickelson Fld, VOR/DME Rwy 31, Original
 Fergus Falls, MN—Fergus Falls Muni-Einar Mickelson Fld, VOR Rwy 35, Amdt. 5
 Boonville, MO—Jesse Viertel Memorial, VOR-A, Original
 Raton, NM—Crews Fld, VOR/DME Rwy 2, Amdt. 4
 Bowling Green, OH—Wood County, VOR Rwy 18, Amdt. 9
 Corry, PA—Lawrence, VOR Rwy 32, Amdt. 1
 State College, PA—University Park, VOR-B, Amdt. 7
 Nashville, TN—Nashville Metropolitan, VOR/DME Rwy 2L, Amdt. 1
 Nashville, TN—Nashville Metropolitan, VOR/DME Rwy 13, Amdt. 9
 Nashville, TN—Nashville Metropolitan, VOR/DME Rwy 20L, Amdt. 1
 Nashville, TN—Nashville Metropolitan, VOR/DME Rwy 20R, Amdt. 2
 Nashville, TN—Nashville Metropolitan, VOR Rwy 31, Amdt. 24
 Burlington, VT—Burlington Intl, VOR Rwy 1, Amdt. 9
 Leesburg, VA—Leesburg Muni (Godfrey Field), VOR Rwy 35, Amdt. 5
 * * * Effective May 14, 1981
 New York, NY—John F. Kennedy Intl, VOR Rwy 13L/13R, Amdt. 15
 * * * Effective May 8, 1981
 Bishop, CA—Bishop, VOR-A, Amdt. 4
 Bishop, CA—Bishop, VOR/DME-B, Amdt. 1
 * * * Effective April 30, 1981
 Dubuque, IA—Dubuque Muni, VOR Rwy 36, Amdt. 4
 Note.—The FAA published an amendment in Docket No. 21719, Amdt. No. 1190 to Part 97 of the Federal Register Regulations (Vol. 46 FR No. 93 page 26610; dated May 14, 1981) under Section 97.23 effective June 14, 1981, which is hereby amended as follows:
 Bellingham, WA, Bellingham International, VOR Rwy. 16 Amdt. 5 cancelled, change effective cancellation date to June 25, 1981.

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * Effective July 9, 1981
 Torrance, CA—Torrance Muni, LOC Rwy 29R, Amdt. 4
 Baton Rouge, LA—Ryan, LOC BC Rwy 31, Amdt. 13, cancelled
 Lawrence, MA—Lawrence Muni, LOC Rwy 5, Amdt. 4
 Flint, MI—Bishop, LOC BC Rwy 27, Amdt. 13
 3. By amending § 97.27 NDB/ADF SIAPs identified as follows:
 * * * Effective August 6, 1981
 Houston, TX—Arcola-Houston, NDB Rwy 10, Original
 Houston, TX—Arcola-Houston, NDB Rwy 28, Original
 * * * Effective July 9, 1981
 Rialto, CA—Rialto Muni/Miro Fld, NDB-A, Original
 Meriden, CT—Meriden Markham Muni, NDB Rwy 38, Amdt. 2
 Ft. Myers, FL—Page Field, NDB Rwy 5, Amdt. 2
 Shelbyville, IL—Shelby County, NDB Rwy 36, Amdt. 3
 Olathe, KS—Johnson County Industrial, NDB Rwy 35, Amdt. 2
 Lawrence, MA—Lawrence Muni, NDB Rwy 5, Amdt. 2
 Gaylord, MI—Otsego County, NDB Rwy 9, Amdt. 3
 Alexandria, MN—Chandler Field, NDB Rwy 31, Original
 Boonville, MO—Jesse Viertel Memorial, NDB Rwy 18, Amdt. 4
 Raton, NM—Crews Fld, NDB Rwy 2, Amdt. 2
 London, OH—Madison County, NDB Rwy 8, Amdt. 1
 Corry, PA—Lawrence, NDB Rwy 14, Amdt. 1
 Greenville, TN—Greenville Muni, NDB Rwy 5, Original
 Greenville, TN—Greenville Muni, NDB Rwy 5, Amdt. 3, cancelled
 Burlington, VT—Burlington Intl, NDB Rwy 15, Amdt. 16
 * * * Effective June 11, 1981
 Oxford, CT—Waterbury-Oxford, NDB Rwy 18, Amdt. 1
 Oxford, CT—Waterbury-Oxford, NDB Rwy 36, Amdt. 2
 * * * Effective May 18, 1981
 Elmira, NY—Chemung County, NDB Rwy 24, Amdt. 10
 * * * Effective May 14, 1981
 Port Angeles, WA—William R. Fairchild Intl, NDB-A, Original, cancelled
 * * * Effective May 13, 1981
 Venice, LA—Garden Island Bay Seaplane Base, NDB-A, Amdt. 1
 * * * Effective May 6, 1981
 Lewisburg, WV—Greenbrier Valley, NDB Rwy 4, Amdt. 2
 4. By amending § 97.29 ILS-MLS SIAPs identified as follows:
 * * * Effective July 9, 1981
 Ft. Myers, FL—Page Field, ILS Rwy 5, Amdt. 3
 Olathe, KS—Johnson County Industrial, ILS Rwy 35, Amdt. 2
 Morristown, NJ—Morristown Muni, ILS Rwy 23, Amdt. 4

Burlington, VT—Burlington Intl, ILS Rwy 15, Amdt. 18
 * * * Effective June 11, 1981
 Oxford, CT—Waterbury-Oxford, ILS Rwy 36, Amdt. 4
 * * * Effective May 18, 1981
 Elmira, NY—Chemung County, ILS Rwy 24, Amdt. 12
 * * * Effective May 6, 1981
 Lewisburg, WV—Greenbrier Valley, ILS Rwy 4, Amdt. 5
 5. By amending § 97.31 RADAR SIAPs identified as follows:
 * * * Effective July 9, 1981
 Ft. Myers, FL—Page Field, RADAR-1, Amdt. 1
 Flint, MI—Bishop, RADAR-1, Amdt. 4
 Burlington, VT—Burlington Intl, RADAR-1, Amdt. 2
 6. By amending § 97.33 RNAV SIAPs identified as follows:
 * * * Effective July 9, 1981
 Ardmore, OK—Downtown Ardmore, RNAV Rwy 17, Original
 Ardmore, OK—Downtown Ardmore, RNAV Rwy 35, Original
 State College, PA—University Park, RNAV Rwy 6, Amdt. 3
 * * * Effective June 11, 1981
 Oxford, CT—Waterbury-Oxford, RNAV Rwy 18, Amdt. 1
 (Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))
 Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.
 Issued in Washington, D.C. on May 22, 1981.
 Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.
 John S. Kern,
 Chief, Aircraft Programs Division.
 [FR Doc. 81-16167 Filed 5-29-81; 6:45 am]
 BILLING CODE 4910-13-M

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

**Office of the Assistant Secretary for
Housing—Federal Housing
Commissioner**

24 CFR Part 235

[Docket No. R-81-900]

**Mortgage Insurance and Assistance
Payments for Home Ownership and
Project Rehabilitation; Change in
Maximum Mortgage Amounts**

AGENCY: Office of the Assistant
Secretary for Housing—Federal Housing
Commissioner, HUD.

ACTION: Interim rule.

SUMMARY: The Housing and Community
Development Act of 1980 amends the
National Housing Act in order to permit
an increase in the mortgage amounts
under HUD's Section 235 mortgage
insurance program.

EFFECTIVE DATE: July 13, 1981.

COMMENTS DUE: July 31, 1981.

ADDRESS: Written comments should
refer to the docket number and date and
should be submitted to the Rules Docket
Clerk, Office of the General Counsel,
Room 5218, Department of Housing and
Urban Development, 451 Seventh Street,
S.W., Washington, D.C. 20410.

A copy of each communication will be
available for public inspection during
regular business hours at the above
address.

FOR FURTHER INFORMATION CONTACT:
John J. Coonts, Director, Single Family
Development Division, Department of
Housing and Urban Development, Room
9270, 451 Seventh Street, S.W.,
Washington, D.C. 20410 (202) 755-6720
(This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The
Housing and Community Development
Act of 1980 was signed into law on
October 8, 1980. Revisions are being
made to Chapter II of the 24 CFR to
increase the maximum mortgage amount
under Section 235 from \$32,000 to
\$40,000 for a single-family dwelling unit
or a one-family unit in a condominium
project. In such cases where there are
five or more persons requiring a
minimum of four bedrooms, the
maximum mortgage amount is increased
from \$38,000 to \$47,500. In geographical
areas where the Secretary finds cost
levels so require, these limits may be
raised up to an additional \$7,500. These
increased limits only apply to
conditional commitments issued or
preliminary reservations approved on or
after the date of this rule.

The Secretary has determined that it
is urgent that the benefits afforded by
this provision of the Act be made
available as soon as possible. Publishing
a notice of proposed rulemaking and
giving the public an opportunity to
comment prior to the effective date of
this regulation would cause a
substantial delay in making the benefits
available. A delay could cause
unnecessary hardships to homebuyers
who need to use the increased mortgage
amounts which the Act provides.
Therefore, the Secretary finds that
notice and prior public procedure on this
regulation would be contrary to the
public interest. Since these regulations
relieve restrictions contained in present
regulations, it is necessary to accelerate
the effective date as much as possible.
However, an opportunity for public
comment is being provided to be
followed by issuance of a final rule.
Accordingly, these amendments will be
made effective as soon as possible.

A Finding of No Significant Impact
with respect to the environment has
been made in accordance with HUD
regulations in 24 CFR Part 50 which
implement Section 102(2)(c) of the
National Environmental Policy Act of
1969. The Finding of No Significant
Impact is available for public inspection
during regular business hours in the
Office of the Rules Docket Clerk at the
address set forth above.

Section 235 is listed as 14.105 Interest
Reduction—Homes for Lower Income
Families in the Catalog of Federal
Domestic Assistance.

Pursuant to Section 605(b) of the
Regulatory Flexibility Act, the
Undersigned hereby certifies that this
rule does not have a significant impact
on a substantial number of small
entities.

Accordingly, 24 CFR Part 235 is
amended as follows:

1. Section 235.25 is revised to read as
follows:

§ 235.25 Maximum mortgage amount.

(a) With respect to mortgages insured
pursuant to conditional commitments
issued or preliminary reservations
approved before July 13, 1981, the
mortgage shall not exceed the following:

(1) \$32,000 for a single-family dwelling
or a one-family unit in a condominium
project, or

(2) \$38,000 where a family of five or
more persons requires a minimum of
four bedrooms and it is found that
adequate housing within the basic
mortgage limits of paragraph (a)(1) is not
available in the area. The property must
contain four or more bedrooms
complying with applicable HUD/FHA
standards for bedrooms. Partially

finished attic or basement space, large
closets and other enclosed areas shall
not be counted as bedrooms. In
addition, the property must meet other
applicable underwriting standards.

(b) With respect to mortgages insured
pursuant to conditional commitments
issued or preliminary reservations
approved on or after the mortgage shall
not exceed the following:

(1) \$40,000 for a single-family dwelling
or a one-family unit in a condominium
project, or

(2) \$47,500 in the case of a family with
five or more persons where the
conditions set forth in paragraph (a)(2)
are met.

2. Section 235.30 is revised to read as
follows:

**§ 235.30 Increased maximum mortgage
amount—high cost areas.**

(a) With respect to mortgages insured
pursuant to conditional commitments
issued or preliminary reservations
approved before July 13, 1981, located in
any geographical area where the
Secretary finds cost levels so require,
the Secretary may increase the dollar
amount limitations set forth in
§ 235.25(a) to an amount not to exceed
the following:

(1) \$38,000 for a single-family dwelling
or a one-family unit in a condominium
project, or

(2) \$44,000 in the case of a family with
five or more persons where the
conditions set forth in § 235.25(a)(2) are
met.

(b) With respect to mortgages insured
pursuant to conditional commitments
issued or preliminary reservations
approved on or after July 13, 1981,
located in any geographical area where
the Secretary finds cost levels so
require, the Secretary may increase the
dollar amount limitations set forth in
§ 235.25(b) to an amount not to exceed
the following:

(1) \$47,500 for a single-family dwelling
or a one-family unit in a condominium
project, or

(2) \$55,000 in the case of a family with
five or more persons where the
conditions set forth in § 235.25(a)(2) are
met.

3. Section 235.330 is revised to read as
follows:

**§ 235.330 Cooperative unit eligible for
assistance payments.**

(a) With respect to mortgages insured
pursuant to conditional commitments
issued or preliminary reservations
approved before July 13, 1981, the
maximum amount of the mortgage
attributed to the dwelling unit of the
cooperative member shall not exceed

\$32,000, except that such amount may be increased to \$38,000 in the case of a family of five or more persons where the conditions set forth in § 235.25(a)(2) are met. These amounts may be increased to \$38,000 and \$44,000, respectively, in any geographical area where the Secretary finds cost levels so require.

(b) With respect to mortgages insured pursuant to conditional commitments issued or preliminary reservations approved on or after July 13, 1981, the maximum amount of the mortgage attributed to the dwelling unit of the cooperative member shall not exceed \$40,000, except that such amount may be increased to \$47,500 in the case of a family of five or more persons where the conditions set forth in § 235.25(a)(2) are met. These amounts may be increased to \$47,500 and \$55,000, respectively, in any geographical area where the Secretary finds cost levels so require.

(Sec. 211 of the National Housing Act (12 U.S.C. 1709, 1715))

Issued at Washington, D.C., April 22, 1981.

George O. Higgs, Jr.,

Acting Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 81-16328 Filed 5-29-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[T.D. ATF-84; Ref.: Notice No. 359]

Labeling and Advertising of Wine (Appellation of Origin) Under the Federal Alcohol Administration Act

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule.

SUMMARY: This final rule amends § 4.25a (b)(2) and (e)(3) of 27 CFR Part 4, Labeling and advertising of wine. The amendments require that appellation of origin that appear on foreign wines imported into the United States conform with the laws and regulations governing the composition, method of production, and designation of wines available for sale and consumption within the foreign country of origin. This action will prevent inferior foreign wines from being dumped into the American market and preclude consumer deception.

In accordance with Executive Order 12291, this final rule is not a major rule.

DATE: Effective July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, 202-566-7626.

SUPPLEMENTARY INFORMATION: Background

On August 23, 1978, the Bureau of Alcohol, Tobacco and Firearms (ATF) published Treasury Decision ATF-53 (43 FR 37672, 54624) revising wine labeling regulations in 27 CFR Part 4. These regulations, in addition to other revisions, amended the appellation of origin regulations as they relate to American and imported foreign wines.

These regulations define an appellation of origin for imported wines as:

- (1) A country;
- (2) A State, province, territory, or similar political subdivisions of a country equivalent to a State or county; or
- (3) A viticultural area.

The use of an appellation of origin is qualified in that the wine is entitled to bear an appellation of origin other than a viticultural area if:

- (1) At least 75 percent of the wine is derived from fruit or agricultural products grown in the area indicated by the appellation of origin; and
- (2) The wine conforms to the laws and regulations governing the composition, method of production, and designation of wines made in such country, province, etc., as appropriate.

A wine may be labeled with a viticultural area appellation if:

- (1) At least 85 percent of the wine is derived from fruit or agricultural products grown in the area indicated by the appellation of origin, and
- (2) The boundaries have been recognized and defined by the country of origin for use on labels of wine available in the foreign country of origin.

During the drafting of Treasury Decision ATF-53, sections applying to imported wines, such as vintage requirements, were further qualified so that wine could be labeled as vintage if the wine was entitled to bear a vintage date when sold within the country of origin.

However, this particular qualification was not inserted into the regulations pertaining to the use of appellations of origin. This, in effect, allows any foreign country exporting wines into the United States to label a wine with an appellation of origin that is not entitled to appear on that wine if the wine were sold within the country of origin. Furthermore, a foreign country could promulgate a separate set of regulations for wine to be exported which would not conform to the laws and regulations

governing wine available in the foreign country of origin.

Therefore, in an effort to make a conforming change to the regulations, ATF published Notice No. 359 (45 FR 82275) on December 15, 1980.

Notice of Proposed Rulemaking

This notice proposed amendments to the regulations which would return the requirements for the labeling of appellations of origin of foreign wines to the status they enjoyed prior to the adoption of § 4.25a (b)(2) and (e)(3), to prevent inferior foreign wines from being dumped into the American market, and to preclude consumer deception.

ATF received five comments fully supporting the proposed amendments.

Treasury Decision

ATF is amending the wine labeling regulations governing appellations of origin on imported foreign wines.

These amendments to § 4.25a require that all appellations of origin on foreign wines imported into the United States conform with the laws and regulations governing wines available in the foreign country of origin. These amendments are adopted as proposed.

Public Inspection and Disclosure

Copies of the final rule and comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4407, 12th and Pennsylvania Avenue NW., Washington, D.C. 20226.

Drafting Information

The principal author of this document is Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel from other offices in the Bureau participated in the preparation of this document, both in matters of substance and style.

Authority

Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 4 is amended as follows:

PART 4—LABELING AND ADVERTISING OF WINE

Subpart D—Labeling Requirements for Wine

1. Section 4.25a is amended by qualifying paragraph (b)(2) that foreign wine labeled with an appellation of origin must be in conformity with the

laws and regulations governing wine available for consumption within the country of origin; by adding a new requirement in paragraph (e)(3) to be designated as (iii) and redesignating existing (iii) and (iv) as (iv) and (v), respectively; and a conforming change in paragraph (e)(1)(ii).

Accordingly, § 4.25a(b)(2) (i) and (ii), (e)(1)(ii), and (e)(3) are revised to read as follows:

§ 4.25a Appellations of origin (not mandatory before January 1, 1983).

- (a) * * *
(b) * * *
(1) * * *

(2) *Imported Wine.* An imported wine is entitled to an appellation of origin other than a viticultural area if:

(i) At least 75 percent of the wine is derived from fruit or agricultural products grown in the area indicated by the appellation of origin; and

(ii) The wine conforms to the requirements of the foreign laws and regulations governing the composition, method of production, and designation of wines available for consumption within the country of origin.

- (e) * * *
(1) * * *
(i) * * *

(ii) *Imported wine.* A delimited place or region (other than an appellation defined in paragraphs (a)(2) (i) or (ii)) the boundaries of which have been recognized and defined by the country of origin for use on labels of wine available for consumption within the country of origin.

- (2) * * *

(3) *Requirements for Use.* A wine may be labeled with a viticultural area appellation if:

(i) The appellation has been approved under Part 9 of this title or by the appropriate foreign government;

(ii) Not less than 85 percent of the wine is derived from grapes grown within the boundaries of the viticultural area;

(iii) In the case of foreign wine, it conforms to the requirements of the foreign laws and regulations governing the composition, method of production, and designation of wines available for consumption within the country of origin;

(iv) In the case of American wine, it has been fully finished within the State, or one of the States, within which the labeled viticultural area is located [except for cellar treatment pursuant to § 4.22(c), and blending which does not

result in an alteration of class and type under § 4.22(b)]; and

(v) It conforms to the laws and regulations of all the States contained in the viticultural area.

Signed: April 21, 1981.

G. R. Dickerson,
Director.

Approved: May 18, 1981.

John P. Simpson,
Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-16328 Filed 5-29-81; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Parts 19, 240, 245, 250, 270, and 275

[T.D. ATF-85; T.D. ATF-77]

Electronic Fund Transfer for Certain Alcohol and Tobacco Products Excise Taxpayments and Other Provisions.

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Final rule (Treasury decision).

SUMMARY: The Department of the Treasury is delaying the effective date of Treasury Decision ATF-77 (46 FR 2999) until October 1, 1981. As part of the supplemental appropriations bill for Fiscal year 1981 for the Department of the Treasury, Congress is considering language prohibiting any expenditure to implement changes in the mode of alcohol and tobacco products excise taxpayments from those permitted by law or regulation in effect since January 1, 1981. Accordingly, no alcohol and tobacco products excise taxpayer will be required to pay the tax by electronic fund transfer until the tax return period beginning October 1, 1981.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Armida Stickney or James Hunt, Research and Regulations Branch, (202) 566-7826.

SUPPLEMENTARY INFORMATION: Because Treasury Decision ATF-77 (46 FR 2999) becomes effective on June 1, 1981, it is impractical and not in the public interest to issue this Treasury decision with notice and public procedures under 5 U.S.C. 553(b). Similarly, it is unnecessary and impractical to subject this Treasury decision to the effective date limitations of 5 U.S.C. 553(d).

Authority and Issuance

This Treasury decision is being issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917).

Accordingly, the effective date of

Treasury Decision ATF-77 is postponed until October 1, 1981. Additionally, in 27 CFR 19.523a, paragraph (f) is removed. In 27 CFR 240.591a, paragraph (f) is removed. In 27 CFR 245.117a, paragraph (e) is removed. In 27 CFR 250.112a, paragraph (f) is removed. In 27 CFR 270.165a, paragraph (f) is removed. In 27 CFR 275.115a, paragraph (f) is removed.

Signed: May 27, 1981.

G. R. Dickerson,
Director.

Approved: May 28, 1981.

John P. Simpson,
Acting Assistant Secretary, Enforcement and Operations.

[FR Doc. 81-16444 Filed 5-29-81; 10:40 am]

BILLING CODE 4810-31-M

Office of Revenue Sharing

31 CFR Part 51

Deferral of Effective Date for Revenue Sharing Regulations

AGENCY: Office of Revenue Sharing, Treasury Department.

ACTION: Notice of deferral effective date of Revenue Sharing handicapped discrimination regulations.

SUMMARY: The effective date of the Revenue Sharing handicapped discrimination regulations, which would otherwise become effective on June 1, 1981, is deferred until June 16, 1981, pending a decision concerning the status of the regulations during the government-wide review of Section 504 pursuant to Executive Order 12291.

EFFECTIVE DATE: The regulations published at 46 FR 1120, January 5, 1981 are deferred until June 16, 1981.

FOR FURTHER INFORMATION CONTACT:

Richard S. Isen,
Acting Chief Counsel, Office of Revenue Sharing
or

Jacqueline L. Jackson, Attorney, Office of Chief Counsel, Office of Revenue Sharing, Washington, D.C. 20226, Telephone: (202) 634-5182.

SUPPLEMENTARY INFORMATION: On January 5, 1981, the Office of Revenue Sharing ("ORS") published in the Federal Register (46 FR 1120) final handicapped discrimination regulations, implementing Section 504 of the Rehabilitation Act of 1973, as amended, for purposes of the Revenue Sharing Program. The regulations were due to take effect on February 4, 1981. On January 29, 1981, the President issued a

memorandum entitled "Postponement of Pending Regulations," which in part required the deferral for 60 days of the effective date of any final regulation pending at the date of the memorandum. Pursuant to that memorandum, the ORS filed a notice with the Federal Register On February 2, 1981, which was published on February 5, 1981 (46 FR 10908), deferring the effective date of the regulations until March 30, 1981, to permit reconsideration by the new administration.

On February 19, 1981, the President issued Executive Order 12291 entitled "Federal Regulations" (46 FR 12193). The Executive Order requires Federal agencies to defer the effective dates of final regulations to permit reconsideration and to prepare a regulatory impact analysis.

On March 26, 1981, the ORS filed a notice with the Federal Register, which was published on March 31, 1981 (46 FR 19468), that the regulation would be further delayed for a period of 60 days. A companion notice was published in the Federal Register on April 3, 1981 (46 FR 20230) requesting public comment on whether to issue these regulations in interim from pending reconsideration. Comment was also requested on whether to delete § 51.55(b)(1)(ix) of the regulation which prohibits discrimination by recipient governments in the exercise of their zoning authority. The ORS received 142 comments during the comment period.

The Department is still in the process of analyzing the comments and has yet to reach a decision concerning the status of these regulations pending the reconsideration of Section 504 described above. Therefore, notice is hereby given that the effective date of § 51.55, discrimination on the basis of handicap, is deferred until June 16, 1981.

Authority

This notice is issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221 *et seq.*) and Treasury Department Order No. 224 (January 26, 1973) (33 FR 3342) as amended by Treasury Department Order No. 242 Revision No. 1, May 17, 1977.

Dated: May 29, 1981.

Kent Peterson,

Acting Director, Office of Revenue Sharing.

Robert W. Rafuse, Jr.,

Deputy Assistant Secretary (State and Local Finance).

[FR Doc. 81-16440 Filed 5-29-81; 10:14 am]

BILLING CODE 4810-28-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 61

[A-4-FRL-1830-8]

Air Pollution; New Source Review; Delegation of Authority to the State of Tennessee

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The amendments below institute certain address changes for reports and applications required from operators of certain sources subject to Federal regulations. EPA has delegated to the State of Tennessee authority to review new and modified sources. The delegated authority includes the review under 40 CFR Part 60 for the standards of performance for new stationary sources and review under 40 CFR Part 61 for national emission standards for hazardous air pollutants. A notice announcing the delegation of authority is published in the Notices section of this issue of the Federal Register. These amendments provide that all reports, requests, applications, submittals, and communications previously required for the delegated reviews will now be sent to the Division of Air Pollution Control, Tennessee Department of Public Health, 256 Capitol Hill Building, Nashville, Tennessee 37219.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond S. Gregory, Air Programs Branch, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30366, phone 404/881-3286.

SUPPLEMENTARY INFORMATION: The Regional Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on April 11, 1980, and it serves no purpose to delay the technical change of this addition of the state address to the Code of Federal Regulations.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that order.

(Secs. 101, 110, 111, 112, 301, Clean Air Act, as amended. (42 U.S.C. 7401, 7410, 7411, 7412, 7601))

Dated: May 3, 1981.

John A. Little,

Acting Regional Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Part 60 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

In § 60.4, paragraph (b) (RR) is added as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(RR) Division of Air Pollution Control, Tennessee Department of Public Health, 256 Capitol Hill Building, Nashville, Tennessee 37219

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Part 61 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

In § 61.04, paragraph (b) (RR) is added as follows:

§ 61.04 Address.

* * * * *

(b) * * *

(RR) Division of Air Pollution Control, Tennessee Department of Public Health, 256 Capitol Hill Building, Nashville, Tennessee 37219

[FR Doc. 81-16298 Filed 5-29-81; 8:45 am]

BILLING CODE 6550-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 5400

[Circular No. 2487]

Sales of Forest Products; General

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This rulemaking amends the existing provisions for preparation of contract to require affiliates of Bureau of Land Management timber purchasers to provide certain information about exported private timber. The new provisions will safeguard against the substitution of Federal timber for exported private timber by those affiliates.

A provision to amend the definition of the term "unprocessed timber" to include western red cedar with wane

was published in the proposed rulemaking. This provision has been deleted from the final rulemaking because of a recent amendment to the Export Administration Act of 1979 (50 U.S.C. 2401 et seq.) which provides technical changes for the export of western red cedar and certain contracts for western red cedar lumber. A new definition to comply with the 1980 Act will be published as proposed rulemaking later this year.

EFFECTIVE DATE: July 1, 1981.

ADDRESS: Any suggestions or inquiries should be sent to: Director (230), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Joseph C. Dose at the above address or call (202) 343-6988.

SUPPLEMENTARY INFORMATION: The principal author of this rulemaking is David Estola, Division of Forestry, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management, and the Office of the Solicitor, Department of the Interior.

The Office of Management and Budget approved the information collection requirements contained in this rule (OMB Clearance No. 1004-0058).

The proposed rulemaking was published in the *Federal Register* on December 22, 1980 (45 FR 84102) and invited comments for 60 days ending February 20, 1981. There were no comments received during this comment period. The lack of comments indicates that this rulemaking has been accepted by the public. However, one provision regarding the amendment to the definition of the term "unprocessed timber" under § 5400.0-5(k)(4) in the proposed rulemaking has been deleted from the final rulemaking. This provision prohibited the export of western red cedar lumber with wane and eliminated the export of lumber which traditionally met standard lumber grades. However, the Act of December 16, 1980 (P.L. 96-536) made technical changes in section 7(i)(1) of the Export Administration Act of 1979 to:

(1) Provide for the export of western red cedar lumber which meets standard lumber grades; and

(2) Grandfather existing contracts for western red cedar purchased from State or Federal land entered into prior to October 1979. This new provision will require a change in the definition of the term "unprocessed timber." This will be initiated by issuance of a new proposed rulemaking later this year.

The Department of Interior has determined that this document is not a major rule under Executive Order 12291

and will not have a significant economic effect on a substantial number of small entities under Public Law 96-354.

It is hereby determined that this rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332(2)(C)) is required.

Under the authority of the Act of July 31, 1947, as amended (30 U.S.C. 601), Subpart 5400, Part 5400 and Subpart 5424, Part 5420, Subchapter E, Chapter II, Title 43 of the Code of Federal Regulations is amended as set forth below:

April 23, 1981.

David C. Russell,

Deputy Assistant Secretary of the Interior.

1. Subpart 5424 is amended by adding two new §§ 5424.0-5 and 5424.1, and by revising § 5424.0-6(c)(2) to read as follows:

Subpart 5424—Preparation of Contract

§ 5424.0-5 Definitions.

When used in connection with export and substitution restrictions, the following terms apply:

"Purchaser" means a business entity including but not limited to an individual, partnership, corporation or association which buys Federal timber.

"Affiliate" means a business entity including but not limited to an individual, partnership, corporation or association which controls or is controlled by a purchaser, or, along with a purchaser, is controlled by a third business entity.

§ 5424.0-6 Policy.

* * * * *

(c) * * *

(2) The use of any timber of sawlog or peeler grades sold as a substitute for timber from private lands which is exported or sold for export by the purchaser or an affiliate of the purchaser.

§ 5424.1 Reporting provisions for substitution determination.

(a) To determine whether substitution has occurred, the authorized officer may require that information identified in the contract (OMB Clearance No. 1004-0058) be reported by:

(1) A purchaser who has exported private timber within one year preceding the purchase date of Federal timber, and/or

(2) An affiliate of a timber purchaser who exported private timber within one year before the acquisition of Federal timber from the purchaser.

(b) Purchasers or affiliates of purchasers shall retain a record of Federal timber acquisitions and private timber exports for three years from the date the activity occurred.

[FR Doc. 81-10192 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5883

[ORE 02948]

Oregon; Revocation of Public Land Order No. 1281

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew 40.62 acres of public land for water supply protection for the City of Waldport, Oregon. This action will restore the land to operation of the public land laws generally, including the mining and mineral leasing laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1281 of April 5, 1956, which withdrew the following described public land for water supply protection is hereby revoked:

Willamette Meridian

T. 14 S., R. 11 W.,

Sec. 5, Lot 10.

The area described contains 40.62 acres in Lincoln County, Oregon.

2. At 10 a.m., on June 23, 1981, the above described public land will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 23, 1981, the above described public land will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director,

Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-16172 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

45 CFR Part 235

Administration of Financial Assistance Programs; Correction

AGENCY: Social Security Administration HHS.

ACTION: Correction of final rule.

SUMMARY: On May 6, 1980, we published in the Federal Register (45 FR 29831) final regulations describing the State plan requirements and Federal matching conditions for training State and local welfare staff under the financial assistance programs administered pursuant to title I, IV-A, X, XIV, or XVI (AABD) of the Social Security Act. This regulation in § 235.62 provides that a State plan under these programs must include a training program "for persons preparing for employment." This phrase was inadvertently included and should be deleted.

FOR FURTHER INFORMATION CONTACT: Ms. Aleatha E. Slade, Social Security Administration, Office of Family Assistance, 2100 Second Street SW., Washington, D.C. 20024, Telephone (202) 245-2015.

SUPPLEMENTARY INFORMATION: Section 235.62 reads as follows: "A State plan under title I, IV-A, X, XIV, or XVI (AABD) of the act must provide for a training program for agency personnel and for persons preparing for employment." The phrase "and for persons preparing for employment" conflicts with the requirement under § 235.62(a) which allows the State agency the option to provide in its plan training for those persons preparing for employment who are enrolled in educational institutions. To correct this regulation, we are deleting the phrase "and for persons preparing for employment."

Dated: May 18, 1981.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

In § 235.62 of Chapter II, Title 45, the introductory paragraph is revised to read as follows:

§ 235.62 State plan requirements for training programs.

A State plan under title I, IV-A, X, XIV, or XVI (AABD) of the Act must provide for a training program for agency personnel. The training program must—

[FR Doc. 81-16032 Filed 5-29-81; 8:45 am]

BILLING CODE 4110-07-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[Docket No. 21005; FCC 81-220]

Interface of the International Telex Service With the Domestic Telex and TWX Service (Detariffing of Telex Terminal Equipment Provided by International Record Carriers)

AGENCY: Federal Communications Commission.

ACTION: Decision (Second Report and Order).

SUMMARY: International record carriers are required to detariff (withdraw their schedule of charges, terms and conditions) their telex equipment offerings no later than March 1, 1982. Such equipment is not a necessary or essential component of their common carrier offerings, and not part of a common carrier service to be regulated under Title II of the Communications Act. Thus, such equipment must be offered on a non-regulated basis separable from the international record carriers' transmission services.

DATES: Effective May 7, 1981.

International record carriers are required to detariff their telex equipment offerings no later than March 1, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Jill P. Ross, Tariff Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632-8917.

SUPPLEMENTARY INFORMATION:

Second Report and Order

Adopted: May 7, 1981.

Released: May 14, 1981.

By the Commission:

1. By Order released September 9, 1980, Mimeo No. 35740, the Common Carrier Bureau reactivated the pleading cycle in the Further Notice of Proposed Rulemaking in the above-captioned proceeding (45 FR 60955; September 15, 1980), seeking comments on the deregulation of telex terminal equipment

provided by the international record carriers (IRCs). *Unbundling Order*, 76 F.C.C. 2d 61, *recon. den.*, 82 F.C.C. 2d 390 (1980), *appeal pending sub nom. Western Union Telegraph Co. v. FCC*, Docket No. 79-2494 and consolidated cases (D.C. Cir., filed December 14, 1979). In reviewing the comments filed and in considering the nature of the market for terminal equipment used in conjunction with international telex services, we conclude that our statutory mandate and the objectives of the Act would be best served by the detariffing of such equipment.

Background

2. In the *Unbundling Order*, *supra*, the Commission required, *inter alia*, that the IRCs file new telex tariffs unbundling the provision of terminal equipment, tielines and transmission and imposing separate cost-based charges for each element. We also set forth for comment the issue of whether we should deregulate the IRC provision of telex terminal equipment stating that this equipment did not appear to be inextricably related to transmission and did not need to be classified as a common carrier communication service. 76 F.C.C. 2d at 82. In addition, the new telex tariffs establishing separate cost-based charges for terminal equipment, tielines and transmission, were expected to enhance competition in the provision of equipment to the extent that regulatory protection for the ratepayer would be unnecessary and unduly burdensome. *Id.* We also noted that anticompetitive behavior relative to the offering of such equipment could subject an IRC to potential antitrust liability. *Id.*

3. Comments on these and other factors relevant to the resolution of this question were held in abeyance, pending a Commission decision in *Computer II*, 77 F.C.C. 2d 384, *as modified on recon.*, 84 F.C.C. 2d 50, *review pending sub nom. Computer and Communications Industry Association et al. v. FCC*, D.C. Cir. Nos. 80-1471 *et al.* (Lead case filed May 5, 1980). On April 7, 1980, the Commission adopted a *Final Decision* in *Computer II* and in so doing concluded that the provision of terminal equipment was separable from the provision of transmission services and the provision of such equipment was not, in and of itself, a common carrier activity subject to regulation under Title II of the Act. 77 F.C.C. 2d at 450-51. We determined that charges for terminal equipment offered by communications common carriers should be unbundled from charges for transmission service and that such equipment should be provided on a non-

tariffed basis.¹ See Revisions to Rule 64.702, Section (e).

4. Shortly after the release of the *Final Decision*, the instant proceeding was reactivated by Bureau Order released September 9, 1980, Mimeo No. 35740, requesting comments on the deregulation of telex terminal equipment provided by the IRCs. There, the Bureau expressed its view that the *Final Decision* in Computer II, requiring that all carrier-provided terminal equipment be unbundled and provided on an untariffed basis, was itself applicable to the IRC's provision of telex terminal equipment, thereby resolving the question posed in this proceeding. The Bureau further stated its belief that, even if doubt existed as to the applicability of *Computer II* to IRC telex equipment (because of statements in the *Unbundling Order* implying that such equipment would be addressed in a separate proceeding), its determinations of law and policy suggested a similar result with respect to IRC terminal equipment.

Contentions of the Parties

5. Parties commenting on the staff's tentative conclusions include TRT Telecommunications Corporation (TRT), ITT World Communications Inc. (ITT), Western Union Telegraph Company (Western Union), Trans-Lux Corporation (Trans-Lux), FTC Communications, Inc. (FTCC), Western Union International (WUI) and RCA Global Communications, Inc. (RCA). Reply comments were filed by RCA, TRT, and ITT.

6. With the exception of WUI who opposes deregulation of carrier provided equipment as a matter of law, the commenting parties agree in principle with the deregulation of carrier provided terminal equipment. However, in noting circumstances peculiar to the international arena, several parties believe that IRC provided international telex equipment should not be deregulated as a matter of policy. Several parties also raise procedural objections to the direct application of *Computer II* to the IRC's provision of telex terminal equipment. Others maintain that the determinations of law and policy in *Computer II* lack specific considerations of factors relevant to the IRC market.

7. For example, Western Union states that, while it does not oppose, in

principle, the deregulation of communications services in competitive markets, it objects to the deregulation of IRC-provided telex terminal equipment. Absent continued tariff regulation, Western Union maintains that the Commission would have no means of preventing the IRCs from reinstituting a bundled rate structure merging the costs of providing terminals and tielines into the usage charge. Even if unbundling were assured, Western Union believes that, until the Commission is willing to regulate the overall level of IRC usage charges, such charges will be excessive, permitting cross-subsidization between regulated and unregulated services. In addition, Western Union notes that the IRCs are not in the business of manufacturing terminal equipment and that they provide it solely as an incident to their transmission service, so there is no overriding public interest in assuring their ability to compete on an equal basis with other equipment suppliers. It continues by arguing that each of the three major IRCs is affiliated with equipment companies whose activities are unaffected by regulation. Western Union thereby concludes that it cannot be said that continued regulation would serve to restrict competition.

8. RCA and Trans-Lux express a similar concern that, without some limited regulation to assure that the IRCs abide by requirements for cost-based charges for international telex equipment, effective competition will not occur. ITT urges the Commission to insure that the carrier provision of terminal equipment is not being subsidized by regulated services. TRT, on the other hand, states that the Commission's ongoing investigation into the IRCs' revised telex tariffs, *ITT World Communications, Inc., et al.*, 79 FCC 2d 173 (1980), *recon. denied.*, FCC 81-164 (released April 17, 1981) as well as the competitive pressures in the international telex market, provide ample safeguards against excessive international telex transmission rates and force the IRCs to recover terminal equipment costs from terminal equipment charges. FTCC asserts that since the IRCs have unbundled as a result of previous orders and since the international telex terminal equipment market is already competitive, the Commission's major concern that failure to separate equipment costs from transmission might stifle competition, does not apply to the IRC industry.

9. On the issue of conditions for carrier provision of deregulated telex terminal equipment, Trans-Lux and FTCC argue that the Commission should maintain maximum separation between

the provision of terminals by the IRCs and their provision of international transmission services through the imposition of fully separate subsidiaries. These commenters believe such safeguards are necessary to prevent cross-subsidization and add that the Commission should, at least, require that the accounts relating to terminal equipment be kept entirely separate from the other accounts of the carriers. Other carriers disagree, arguing that the international telex market is highly competitive and that the IRCs are not dominant in the terminal equipment market. In light of these factors, they argue that a separate subsidiary requirement is unwarranted.

Discussion

10. At the outset we consider the procedural questions raised by the commenting parties. As noted, several parties object to the direct application of *Computer II* arguing that international record communications were not within the intended scope of that decision and that the Commission specifically placed the issue of deregulation of IRC provided telex equipment in the instant proceeding. Others maintain that the determinations of law and policy in *Computer II* lack specific consideration of factors relevant to the IRC industry and that to apply that decision would be a violation of the IRCs' due process rights.

11. We recognize that language in the *Unbundling Order* may have created confusion as to whether the status of IRC telex equipment was still under consideration in *Computer II*. Therefore, separate consideration is being given to the IRC provision of telex terminal equipment in the instant proceeding. The Bureau's Order of September 9, 1980, specifically seeking comments on the deregulation of IRC provision of telex terminal equipment afforded interested parties sufficient opportunity to alert us to any relevant factors peculiar to the IRC industry which should be considered in this regard.

12. In the *Unbundling Order*, we require the IRCs to unbundle terminal equipment from tielines and transmission in the provision of international telex service. As a result, the IRCs must isolate investment and expenses associated with their provision of telex equipment along with their rates for such equipment. Unbundling of terminal equipment and transmission service charges increases customer freedom of choice and enables the regulator to more readily identify improper cross-subsidization of competitively provided terminal

¹To facilitate a smooth transition, a bifurcated approach was adopted under which a separate implementation proceeding would address the manner and time period in which equipment that is not federally tariffed or in the subscriber's possession as of March 1, 1982, is to be detariffed. 84 F.C.C. 2d at 66-7.

equipment by other regulated services. Unbundling, however, may not, in and of itself, succeed in allowing the full evolution of a competitive marketplace if the equipment of one small group of suppliers (in this case the IRCs) continues to be subject to the tariffing requirements of Section 203 of the Act. Our attention is focused on the question of whether tariff-type regulation of IRC-provided telex equipment is warranted. In considering this issue, we weigh the nature of the telex terminal equipment market, the effects of advances in technology on equipment design and use, the benefits of competitively supplied equipment, and the role of the IRCs in providing such equipment.

13. Beginning with our *Carterfone* decision, this Commission has embarked on a conscious policy of permitting the terminal equipment market to develop on a competitive basis.² The resulting innovation in the equipment and service markets has afforded the public a wider range of terminal equipment choices at lower costs.³ Specifically, this policy, along with the growth and diversity in telex service, has resulted in an increased number of suppliers and a wider variety of telex machines offered in the marketplace.⁴ Lacking is any

evidence that significant barriers exist that serve to restrict entry into the market for equipment used in conjunction with telex service.⁵ Indeed, the currently competitive nature of the telex terminal equipment market is reflected in the fact that there are at least thirty nonregulated vendors of teleprinters directly serving the market.⁶ In addition, the IRCs compete among themselves with no IRC controlling a major share of the market.⁷ Thus, multiple vendors offer different types of telex equipment and consumers are free to select the equipment with features that best suit their needs.

14. Advances in technology also have contributed to the competitive and dynamic nature of the telex terminal equipment market. For example, increasing use is being made of electronic as opposed to electromechanical telex and TWX

terminal devices. As a result, terminal devices will be capable of taking on more on-line as well as off-line processing functions especially through the use of modern micro-processor technology. As terminal devices increasingly employ advanced solid state technology, the terminals can be merged with other processing devices to be part of distributive processing systems in keeping with the trend toward decentralized processing functions. See *Computer II* at 391, 415-16. Implicit in this is the ability to convert from one protocol to another so that information exchange can take place between diverse telecommunications systems. As a result, the boundary between the telex equipment market and the broader equipment market is beginning to erode.⁸ Code, protocol and speed conversion capabilities, now becoming widely available, make a broad range of equipment compatible with the telex network. Computer technology has made it possible for TWX machines to access the telex network. Already it is technically feasible for customers to utilize other computerized word processing devices for the preparation and transmission of international telex or TWX messages. In other words, communications networks are becoming transparent with respect to different forms of data transmission. These developments have resulted in an increasing flexibility in the consumers' use and choice of terminal equipment that can be used in conjunction with IRC services and has placed increased pressure on equipment manufacturers and vendors to respond to changing conditions in the marketplace.

15. These developments bring into question whether IRC-provided telex equipment should continue to be offered as part of a common carrier service and regulated under Title II of the Act. Stated differently, the question arises as to whether there is any statutory or public interest justification for subjecting IRC-provided telex equipment to a different regulatory scheme than comparable equipment of other vendors. To answer this it is necessary to determine two things: first, whether the offering of such equipment by an IRC is essential to the continued offering of its common carrier service and, second, whether there is a statutory requirement that we regulate IRC activity in this area.

² See, e.g., *Carterfone*, 13 FCC 2d 420, recon. den., 14 FCC 2d 571 (1968); *Telexnet Leasing Corp. et al.*, 45 FCC 2d 204 (1974), *aff'd sub. nom. North Carolina Utilities Commission v. FCC*, 537 F. 2d 787 (4th Cir.), cert. den., 429 U.S. 1027 (1976) (NCUC I); *Mebane Home Telephone Co.*, 53 FCC 2d 473 (1975), *aff'd Mebane Telephone Co. v. FCC*, 535 F. 2d 1324 (D.C. Cir. 1976); *First Report and Order in Docket No. 19528*, 56 FCC 2d 593 (1975); *on reconsideration*, 57 FCC 2d 1216 (1976), 58 FCC 2d 716 (1976) and 59 FCC 2d 83 (1976), *Second Report and Order in Docket No. 19528*, 58 FCC 2d 730 (1976); *on reconsideration, aff'd sub. nom. North Carolina Utilities Commission v. FCC*, 552 F. 2d 1036 (4th Cir.), cert. den., 434 U.S. 874 (1977) (NCUC II); *Phase II Final Decision and Order in Docket No. 19129*, 64 FCC 2d 1 (1977); *Implications of the Telephone Industry's Primary Instrument Concepts (PIC)*, 68 FCC 2d 1157 (1978); *Second Report in Docket No. 20003*, 75 FCC 2d 506 (1980); and *Order in CC Docket No. 79-143*, 76 FCC 2d 246 (1980). Consumers have the right to use telecommunications networks " . . . in ways which are privately beneficial without being publically detrimental." *Hush-A-Phone Corp. v. U.S.*, 238 F. 2d 286 (D.C. Cir. 1956).

³ See, for example, *First Report in Docket No. 20003*, 61 FCC 2d 766 (1976); *Second Report in Docket No. 20003*, 75 FCC 2d 461 (1980); *Phase II Final Decision and Order in Docket No. 19129*, 64 FCC 2d 1, 602; see also, *PIC*, supra, at 1175.

⁴ IRC telex revenues increased by \$156 million from 1974 to 1979 for an increase of 109 percent. *Statistics of Communications Common Carriers*, 1979, Federal Communications Commission. The number of international telex lines have increased by over 40 percent over the past four years. Derived from International Telecommunications Union, *Yearbook of Common Carrier Statistics*, 8th ed. (1980). In 1975, there were only seventeen vendors of teleprinters whereas in 1979 there were, at least, thirty. Compare 1975 and 1979 *Telephony's Directory and Buyer's Guide*, Telephony Publishing Co., Chicago, pages 173/A and 228 respectively. See

also, *First Report in Docket No. 20003*, supra, at 865-67.

⁵ The past IRC marketing strategy of offering telex service and associated terminal equipment at a bundled price may have afforded consumers equipment at a nominal charge. This may have resulted in reducing the incentive of other vendors to market their equipment to international users. However, as a result of the Commission's *Unbundling Order*, supra, requiring the IRCs to offer their equipment at unbundled rates, consumer demand for equipment provided by outside vendors will increase. Therefore, further entry into this market is likely.

⁶ *Telephony's Directory and Buyer's Guide*, Telephony Publishing Co., Chicago, 1979, p. 228. We believe the relevant equipment market to be analyzed here is that of teleprinters. TWX machines, telex machines, and telephone network-connected teleprinters which comprise the teleprinter equipment market for our purposes here, are functionally equivalent devices. Larger manufacturers producing one of these machines are able to switch to the production of the other, indicating that the limits to production on the supply side between these machines are low. However, even if the telex equipment submarket is recognized as a distinct one, the IRCs provide only a small fraction of all telex machines sold in the United States. See note 7, *infra*.

⁷ RCA, WUI and ITT, the largest IRCs, provide only a small portion of the telex equipment used in this country. It has been reported that in 1979, RCA provided 8,306 telex machines, ITT provided 6,430, WUI provided 4,980, WUI Caribbean provided 401, TRT provided 385, and FTCC provided 128 for an estimated industry total of 20,632. Direct case of each above-mentioned company in *ITT World Communications Inc.*, et al., 79 FCC 2d 173. Western Union, in contrast, provided 24,667 telex machines pursuant to tariff in 1979 and billed over 73,000 telex lines and 55,000 TWX lines, implying that there are almost 130,000 telex and TWX terminals attached to its network. Table provided to Common Carrier Bureau staff on March 16, 1981, by Richard D. Cain, Director, Federal Liaison, Government Relations, Western Union Telegraph Co. Additionally, Western Union estimates that there are over 300,000 telephone network-connected teleprinters in the United States. See *Petition for Reconsideration*, CC Docket 79-252, December 24, 1980. Therefore, out of all the teleprinters in this country including telex, TWX and telephone network-connected teleprinters, the IRCs provided a very small fraction of the total market.

⁸ As consumers are afforded alternative means of access to IRC networks, there is a corresponding potential broadening of both the market and the types of equipment used in transmitting telex-type messages.

16. As to the former, it is clear that a subscriber to telex service need not obtain terminal equipment from an IRC. There are numerous manufacturers of such equipment in the marketplace so that consumers are able to choose the type of equipment that best suits their needs. While historically IRCs may have offered such equipment as "part and parcel" of their common carrier service, it need not be offered in this fashion and, in fact, it is clear that not all consumers elect to obtain their telex equipment from an IRC. Just as developments in the marketplace have altered perceptions of the need to offer terminal equipment as part of a common carrier service in the domestic arena, 77 FCC 2d 384, the same is true for the IRCs in the offering of their services. Whatever may have been the past practices or beliefs, it is now evident that the provision of telex equipment is not a necessary or essential component to the common carrier offering.

17. In light of this, it is incumbent upon this Commission to assess the role of the IRCs in their provision of telex equipment. In this regard, we conclude that IRCs should be allowed to compete in the terminal equipment market on terms no less favorable, or more favorable, than any other equipment vendor. Their status as common carriers should not restrict their participation as equipment providers nor should their common carrier status allow them to engage in anticompetitive conduct, e.g., through improper cross subsidization to the detriment of the communications ratepayer. This is consistent with Commission policies that have encouraged competition and increased consumer choice in the selection and utilization of equipment attached to common carrier networks, without imposing restrictions on common carriers' participation due to their control over the underlying transmission network. See *Computer II, supra*.

18. Consistent with the conclusion that the IRCs' status should be the same as that of any other equipment vendor is the need to align the manner in which they offer their equipment. IRC-provided telex equipment should be divorced from the common carrier service and detariffed. Regulation of the prices and terms under which they provide such equipment is no longer warranted in light of the equipment market as it currently exists. Continued tariff regulation serves only to restrict a competitive response to marketplace demands in an area of activity that is wholly separable from the provision and regulation of common carrier

communications services under Title II of the Act.

19. We find that tariff-type regulation of IRC-provided telex terminal equipment does not recognize the role of the IRCs as competitive providers of this equipment. To continue such regulation would unduly restrict the IRCs' ability to respond competitively to price initiatives by suppliers and subject them to added costs of compliance, regulatory delay and the statutory notice requirement of publicizing prices in advance of their effectiveness. Continued tariffing, therefore, would tend to decrease competition and result in a more limited choice of equipment for consumers. Detariffing, on the other hand, would create an environment where the IRCs would compete on an equal basis with other carriers as well as unregulated equipment vendors.⁸ We find that such competition will inure to the benefit of the consumer by fostering innovative design and use of telex equipment at reasonable prices.

20. Those parties arguing against detariffing appear to center their concern around both the effectiveness of unbundling terminal equipment from transmission in the international arena and Commission review of IRC transmission rates. The regulatory task inherent in insuring the reasonableness of IRC transmission rates and in separating costs associated with IRC-provided terminal equipment from transmission costs are no more onerous than those required to insure the reasonableness of other carriers' rates or that other carriers' equipment offerings are not improperly subsidized to the detriment of the communications ratepayer. Our statutory directives under Sections 201-205 of the Act mandate that we insure the reasonableness of charges, practices, classifications and regulations for common carrier services. We also have the authority under Section 205 to prescribe reasonable IRC transmission rates if they are found to be subsidizing the competitive provision of terminal equipment. The complaint process and investigatory powers under Section 208 of the Act also are available to remedy anticompetitive conduct affecting regulated services. Moreover, to the extent the IRCs become involved in the competitive provision of telex equipment, they, like all other carriers, are subject to the applicable antitrust

⁸For example, as a result of our decision in *Computer II*, Western Union, a domestic carrier providing more telex equipment than all the IRCs combined (see note 7), may detariff new and federally tariffed equipment on or before March 1, 1982.

laws. See *Cantor v. Detroit Edison*, 428 U.S. 579, 596 (1976).

21. We are currently investigating the rates charged by the IRCs for transmission, tielines and terminal equipment to determine whether they have been unbundled effectively.¹⁰ This investigation will be employed as a means to identify whether transmission and tieline charges are bearing any costs associated with terminal equipment. The information obtained will also enable us to take whatever steps may be necessary to remedy any defect. Moreover, structural remedies are available as an aid in meeting our statutory responsibilities to insure the reasonableness of IRC transmission rates.¹¹ Finally, where appropriate, we may implement rate of return and rate base investigations directed toward examining capital structure, financing, and expenses and investment associated with the provision of service.¹²

22. We do not agree with the assertions of FTCC and Trans-Lux, that maximum separation requirements are warranted for the IRCs' provision of equipment on a non-regulated basis. The separate subsidiary mechanism will best serve consumers if imposed only where essential to insure that the objectives of the Act are achieved. We find that the costs imposed upon the IRCs and the public from maximum structural separation are not justified at this time. If evidence indicates that the communications ratepayer is subsidizing IRC-provided terminal equipment, we will consider imposing more stringent separations conditions. We shall require, however, that the IRCs maintain

¹⁰ *ITT World Communications Inc., et al.*, 79 F.C.C. 2d 173, *recon. den.*, FCC 81-164 (released April 17, 1981), *appeal pending*, sub nom. *Western Union Telegraph Co. v. FCC*, D.C. Cir. No. 80-2239, filed Oct. 7, 1980.

¹¹ *ITT et al. v. CCI*, 76 F.C.C. 2d 15 (1980); *International Relay, Inc.*, 77 F.C.C. 2d 819 (1980); *AT&T Dataphone*, 76 F.C.C. 2d 682 (1980), *appeal pending* sub nom. *Western Union International v. FCC, et al.*, (D.C. Cir. Nos. 80-1286 et al.); *IRC Datal Service*, 76 F.C.C. 2d 166 (1980), *appeal pending* sub nom. *ITT World Communications v. FCC*, (D.C. Cir. No. 78-4049); *Telex Interconnection/Unbundling*, 76 F.C.C. 2d 61 (1980), and *Gateways*, 76 F.C.C. 2d 115 (1980), *appeal pending* sub nom. *Western Union Telegraph Co. v. FCC*, D.C. Cir. Nos. 79-2494 and consolidated cases filed December 14, 1979. Additional potential competitive pressures on the IRCs may result from various other proposals being considered. See *Overseas Communications Services (TAT-4)*, FCC 80-585, released October 28, 1980; *International Telecommunications Competition*, 77 F.C.C. 2d 631 (1980); and *Aeronautical Radio, Inc.*, 77 F.C.C. 2d 535 (1980).

¹² See, for example, *ITT World Communications Inc.*, 82 FCC 2d 282 (1980), *stay denied*, FCC 81-77, released March 8, 1981; *action temporarily deferred pending reconsideration*, FCC 81-180, released April 14, 1981.

separate books of account for their terminal equipment offerings.

23. Accordingly, we conclude that the IRC provision of telex terminal equipment should no longer be subject to Title II regulation for the following reasons: First, advances in technology will continue to result in an ever increasing substitutability of various equipment devices for traditional telex machines. There are also numerous vendors of such equipment active in the marketplace today. Whatever the past need for regulating the IRC provision of telex equipment as part of a common carrier service its continuation is no longer warranted. Second, continued tariff regulation serves to restrict the IRCs' ability to react to the changing market in a competitive environment. The structure established here eliminates disparate regulatory treatment and encourages the provision of new and innovative equipment and participation by all vendors on a competitive basis. Finally, the potential for greater consumer choice is increased, in that detariffing of IRC provided telex equipment eliminates artificial constraints on either the design or use of such equipment.

Legal Considerations

24. While various carriers have traditionally offered transmission services and terminal equipment together on a package basis, the fact that some carriers have traditionally furnished various types of equipment with their communications services does not establish that they are required to do so. The provision of telex terminal equipment, in and of itself, is not a common carrier activity. This Commission has never regulated under Title II entities that engage solely in the manufacturing and vending of equipment located on the customer's premises and which are attached to the interstate communications network. Even as to common carriers, we have previously determined in *Computer II* that the legislative history of the Communications Act manifests no Congressional intent that terminal equipment must be offered as "part and parcel" of a communications service, or that all carrier provided equipment be offered on a regulated basis subject to the tariff requirements of Section 203 of the Act. 77 FCC at 450. Thus, the Communications Act does not require that the provision of terminal equipment be a common carrier service and tarified under Title II. Moreover, any regulation by tariff or otherwise must be

demonstrated to be reasonably ancillary to the effective performance of the Commission's responsibilities under Title II or "imperative for the achievement of an agency's ultimate purpose."¹³

25. This Commission is given "expansive powers" to appropriately tailor regulation to suit the needs of a highly complex and rapidly changing communications industry.¹⁴ Moreover, Section 203(b)(2) grants us the authority "in (our) discretion and for good cause shown" to "modify any requirement made by or under the authority of this section either in particular instances or by general order applicable to special circumstances". Section 203(c) requires the filing of tariff schedules by carriers engaged in communications, "unless otherwise provided by or under authority of this Act", and Section 205 authorizes us to establish ". . . what classification, regulation, or practice is or will be just, fair, and reasonable. . . ." These sections provide us with flexibility to respond to the highly dynamic and changing conditions of communications services and provide us with ample authority to choose between different approaches to regulation in meeting our overall statutory mandate.

26. The terminal equipment market has changed dramatically since the 1934 Act was adopted. Consumer requirements have changed, the number of suppliers has increased and the nature of the equipment itself has undergone vast technological innovations and advancements. We have concluded that the continued provision of telex terminal equipment by the IRCs under regulation impedes the evolution of a truly competitive market and disserves the public interest by restricting the provision of innovative equipment at reasonable prices. Detariffing together with the unbundling we have previously ordered, *Unbundling Order, supra*, represent a different set of regulatory tools better designed to insure reasonable efficient communications services and a competitive marketplace for terminal equipment.

¹³ *Permian Basin Area Rate Cases*, 390 U.S. 747, 780 (1968); *United States v. Southwestern Cable Co.*, 392 U.S. 157, 178 (1968); *Home Box Office, Inc. v. FCC*, 567 F.2d 9, 36 (1977).

¹⁴ *NBC v. United States*, 319 U.S. 190, 219 (1943). See also, *United States v. Southwestern Cable Co.*, 392 U.S. 157, 172-173 (1968); *FCC v. Pottsville Broadcasting Co.*, 309 U.S. 134, 138 (1940); *Philadelphia Television Broadcasting Co., v. FCC*, 123 U.S. App. D.C. 298, 300, 259 F.2d 282, 284 (1956); *NARUC v. FCC*, 525 F.2d 630, 638 (1975).

Implementation

27. The implementation of our decision to require that telex equipment provided by the IRCs be detariffed will require changes in existing tariffs and accounting practices similar to those required by carriers detariffing equipment pursuant to our directives in *Computer II*. On reconsideration of that decision, 84 FCC 2d 50 (1980), we elected to impose a bifurcated transition plan that distinguished new equipment not in the subscriber's possession as of March 1, 1982, and federally tarified terminal equipment from "embedded" equipment which is tarified at the state level and subject to the separations process. We found that the deregulation of new equipment and federally tarified equipment did not raise the difficult transitional issues that the deregulation of "embedded" equipment raised regarding separations and required that such equipment be detariffed as of March 1, 1982.

28. The IRCs tariff their terminal equipment exclusively at the federal level permitting its detariffing without raising separations issues. We conclude, therefore, that, consistent with *Computer II*, this equipment should be detariffed on or before March 1, 1982.

Ordering Clauses

29. Accordingly, it is ordered, pursuant to Sections 4(i), 4(j), 201-205, 403 and 404 of the Communications Act of 1934, as amended, that the determinations set forth herein are adopted as the Second Report and Order in Docket No. 21005.

30. It is further ordered, That the international record carriers shall file appropriate tariff revisions that detariff their telex equipment offerings with such tariff revisions to be effective no later than March 1, 1982.

31. It is further ordered, That all international record carriers shall maintain separate books of accounts relating to the provision of terminal equipment.

32. It is further ordered, That the Secretary shall cause a copy of the decision to be published in the *Federal Register*.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 81-16320 Filed 5-29-81; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amend. No. 162]

Organization and Delegation of Powers and Duties; Delegation to the Commandant of the Coast Guard

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to delegate to the Commandant of the Coast Guard authority and functions that are vested in the Secretary of Transportation, by the Inland Navigation Rules Act of 1980.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Lynne Adams-Whitaker, Department of Transportation Office of the General Counsel: (202) 426-4723, Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: Since this amendment relates to departmental management, procedures, and practices, it is exempted from notice and public procedure requirements and it may be made effective in fewer than thirty (30) days after publication in the Federal Register.

Drafting Information

The principal persons involved in drafting this amendment are Mr. Chris Llana, Project Manager, Office of Marine Environment and Systems, and Lt. Michael Tagg, Project Attorney, Office of Chief Counsel, U.S. Coast Guard.

Discussion of Delegation

The Inland Navigational Rules Act of 1980, Pub. L. 96-591, was enacted by Congress on December 24, 1980. It constitutes the special rules mandated in Rule 1(b) of the International Regulations for Preventing Collisions at Sea, 1972 (33 U.S.C. 1602).

The Inland Rules will replace the navigation rules for vessels operating on the Western Rivers, Inland Waters, and Great Lakes. The Act vests in the Secretary of the Department, in which the Coast Guard is operating, the power to: establish technical annexes; to issue regulations necessary to implement and interpret the Act; to assess civil penalties for violations of the Act, and to issue certificates of alternative compliance. This amendment delegates these functions to the Commandant of the Coast Guard. The authority granted herein, shall be exercised in accordance with the requirements and limitations of

the above-cited Act and other applicable statutes and regulations.

Accordingly, section 1.46 of Part I of Title 49 of the Code of Federal Regulations, is amended as follows:

§ 1.46 [Amended]

(1) Paragraphs (c)(2), (c)(3), and (c)(4) of § 1.46 are removed.

(2) Paragraphs (c)(5) through (c)(10) are redesignated as (c)(2) through (c)(7) respectively.

(3) A new paragraph (n)(14) is added to § 1.46 to read as follows:

§ 1.46 Delegations to the United States Coast Guard Commandant.

(n) . . .
(14) Inland Navigational Rules Act of 1980 (Pub. L. 96-591);

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e))

Issued in Washington, D.C. on May 21, 1981.

Drew L. Lewis,
Secretary of Transportation.

May 21, 1981.
[FR Doc. 81-16302 Filed 5-29-81; 8:45 am]
BILLING CODE 4910-62-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 79-02; Notice 3]

Consumer Information Regulations

AGENCY: National Highway Traffic Safety Administration.

ACTION: Final rule.

SUMMARY: This notice delays for one year the effective date of a revision of the Consumer Information Regulations modifying the timing of manufacturers' submissions of performance data to the National Highway Traffic Safety Administration (NHTSA). The revision, which was to become effective June 1, 1981, will require vehicle manufacturers to submit specified performance information to NHTSA at least 90 days in advance of the date the information is made available to the public. A 30 day advance submission period is presently specified. In order to permit the agency to conduct rulemaking pertaining to the new 90-day requirement, and to avoid unnecessary burdens on industry, the effective date for this change has been delayed until June 1, 1982.

EFFECTIVE DATE: The new effective date

for the amendment to § 575.6(d) is June 1, 1982.

FOR FURTHER INFORMATION CONTACT: Ivy Baer, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-1742.

SUPPLEMENTARY INFORMATION: The Consumer Information Regulations (49 CFR Part 575) require that manufacturers of motor vehicles and tires provide performance information to first purchasers and prospective purchasers of their products. The primary purpose of the regulation is to assure that consumers have adequate information on the safety performance of vehicles and tires to permit them to make informed purchasing decisions. Information required by the regulation must be available to consumers at the time the vehicles or tires to which it pertains are first authorized to be put on general public display and offered for sale. (49 CFR 575.6(c)). Section 575.6(d) of the regulation provides that the information must be submitted to NHTSA at least 30 days before it is made available to prospective purchasers. This advance submission requirement is intended to permit the agency to assemble the information from various manufacturers in a comparative format for use by prospective purchasers.

On July 14, 1980, NHTSA published a notice (45 FR 47152) amending Part 575, effective June 1, 1981, to require manufacturers to submit motor vehicle performance information to the agency at least 90 days prior to its availability to the public. The 30-day advance submission period was retained for Uniform Tire Quality Grading information required under 49 CFR 575.104 and for running changes occurring during the model year. The amendment was based on the agency's conclusion that a comparative presentation of performance data could only be effective if made available early in the model year. The additional 60 days advance notice was considered necessary to permit NHTSA to assemble and publish the information in time to be useful to most new car buyers.

Following establishment of the June 1, 1981, effective date for the schedule change, Ford Motor Company petitioned NHTSA to amend the Part 575 requirements to permit modification of previously submitted data. Ford argued that last minute, pre-introduction design or component changes are sometimes required and that these changes may affect performance characteristics covered by the consumer information

program. Absent flexibility to modify previous submissions, manufacturers would be forced to delay introduction of needed changes or disrupt production schedules until 90 days after the submission of the new information. NHTSA intends to issue a notice of proposed rulemaking dealing with this problem in the near future.

As noted in NHTSA's notice of proposed rulemaking on the timing of advance submissions (49 FR 15748; March 15, 1979), the deadline for data submissions was amended with the understanding that the agency's comparative performance data publication would be reevaluated and revised to assure that information is presented in an effective and more timely manner. As a result of delays inherent in the recent change of administrations, and the demands of other agency activities, the contemplated reevaluation and revision of NHTSA's consumer information program cannot be completed in time for the 1982 model year. For this reason, the additional 60-day advance submission required by the amendment of section 575.6(d) will serve no useful purpose with respect to information on model year 1982 vehicles. In order to avoid an unnecessary burden on industry, and to permit the agency to deal with the Ford petition prior to the effective date of the schedule modification, the effective date for the amendment of 575.6(d) is changed to June 1, 1982.

The agency has considered the impacts of this limited delay and determined that this notice is neither major within the meaning of E.O. 12291, nor significant for purposes of Department of Transportation procedures for evaluation of regulatory actions. The change will ameliorate a minor regulatory burden on industry, while having no effect on the agency's ability to provide comparative performance data on model year 1982 vehicles. The impacts of this action are so minor as not to warrant preparation of a regulatory evaluation.

The agency has considered the impacts of the effective date change with regard to the Regulatory Flexibility Act and concluded that the one-year delay will not have a significant effect on a substantial number of small entities. Few, if any manufacturers submitting motor vehicle performance data under Part 575 are small businesses. Moreover, the limited nature of the change will result in only minor effects on covered businesses. The agency has also determined that this action is of such limited scope that it clearly will not have a significant effect

on the quality of the human environment.

This final rule is being issued without prior notice and opportunity for comment because the agency finds that taking these procedural steps is impracticable and contrary to the public interest in this case. Delay in modifying the subject effective date would result in the advance submission schedule change taking effect before action on the pending Ford petition can be completed, and before agency plans for revision of the consumer information program can be implemented. Immediate action is thus necessary to avoid undue and unnecessary burdens on industry.

In consideration of the foregoing, the effective date for the amendment of 49 CFR 575.6(d), announced in the *Federal Register* on July 14, 1980, is delayed one year until June 1, 1982.

(Sec. 103, 112, 119; Pub. L. 80-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegation of authority at 49 CFR 1.50)

Issued on May 29, 1981.

Diane K. Steed,
Acting Administrator.

[FR Doc. 81-16500 Filed 5-29-81; 1:03 pm]

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Proposed Rules

Federal Register

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 993

[Docket No. F & V AO 201-A8]

Dried Prunes Produced in California; Recommended Decision and Opportunity To File Written Exceptions to Proposed Further Amendment of the Marketing Agreement and Marketing Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written exceptions on the proposed amendment of the California dried prune marketing agreement and order program. The proposed amendment would eliminate the use of the smallest-sized prunes in manufactured prune products each year; change the name of the Prune Administrative Committee to the Prune Marketing Committee; add a public member to the Committee as full voting member; and specify the basis for sharing a portion of Committee representation among cooperative marketing associations. The intent of the proposed changes is to improve the effectiveness of the program.

DATE: Written exceptions to this recommended decision must be filed by July 1, 1981.

ADDRESSES: Interested persons may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Two copies of all written exceptions shall be submitted, and they shall be made available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture,

Washington, D.C. 20250, (202) 447-5697. An impact statement on this proposal is available on request from J. S. Miller.

SUPPLEMENTARY INFORMATION: Prior documents in the proceeding: Notice of Hearing—Issued November 18, 1980 and published November 24, 1980 (45 FR 77448).

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code, and therefore, is not subject to the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated handlers.

J. S. Miller has determined that a comment period of less than 60 days is warranted. The proposed amendment, if adopted, should be effective no later than August 1, 1981. Harvesting and drying of prunes usually begins by early August, and producers need to know of any continuing undersized regulation as soon as possible so they can plan their operations accordingly.

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed further amendment of the marketing agreement, and Order No. 993, regulating the handling of dried prunes produced in California, and of the opportunity to file written exceptions thereto. Copies of this decision may be obtained from the Hearing Clerk.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreement and orders (7 CFR Part 900).

This proposed amendment was formulated on the record of a public hearing held in San Francisco, California, on December 2, 1980. The hearing notice was published in the November 24, 1980, issue of the *Federal Register* (45 FR 77448). That notice contained proposals submitted by the Prune Administrative Committee.

Material Issues

The material issues of record are as follows:

(1) Changing the definition of "salable prunes" and provisions regarding the application of salable and reserve percentages after the end of the crop year.

(2) Changing the name of the administrative agency established under the order from "Prune Administrative Committee" to "Prune Marketing Committee".

(3) Adding a public member and alternate on the Committee, establishing the qualifications for such membership, and making other changes in the Committee's procedures necessary to accommodate the addition of a public member to the Committee.

(4) Providing a means for cooperative marketing associations to share Committee representation whenever two or more such associations are engaged in the handling of prunes.

(5) Changing the current authority for regulation of undersized prunes so that annual Committee determinations and recommendations would be unnecessary, and that such regulation would be continuous, even in above parity situations.

(6) Making such changes in the order as may be necessary to bring it into conformity with any amendment that may result from the hearing.

Findings and Conclusions

The following findings and conclusions on the material issues are based on the record of hearing.

(1) Section 993.21c defines the term "salable prunes", and the provisions in § 993.55 pertain to the application of salable and reserve percentages after the end of a crop year. Under these provisions, the Secretary must establish a salable percentage of 100 percent and a reserve percentage of zero percent for a crop year even though the Committee has recommended no volume regulation for that crop year and percentages of 100 percent and zero percent were in effect for the previous crop year. This requirement causes administrative costs for no useful purpose and is inconsistent with current objectives of reducing regulatory activities and costs. The evidence of record is that establishment of salable and reserve percentages of 100 percent and zero percent is

unnecessary in those crop years following years in which no volume regulations are in effect pursuant to § 993.54.

To accomplish this, § 993.21c should be amended by deleting the words "a reserve percentage of zero is established for a crop year," and substituting in lieu thereof the words "no reserve percentage is in effect for a crop year.". Of course, any prunes determined to be undersized prunes pursuant to § 993.49(c) should continue to be excluded from the meaning of "salable" prunes. Also, § 993.55 should be revised to conform with the change in § 993.21c and to improve the wording of the last sentence. As revised, § 993.55 should provide that the salable and reserve percentages established for any crop year shall remain in effect after that crop year until salable and reserve percentages are established for another crop year. After such percentages are established, all reserve obligations shall be adjusted to the newly established percentages.

(2) The name of the local administrative agency of the order should be changed from "Prune Administrative Committee" to "Prune Marketing Committee". Changing the designation from "Administrative" to "Marketing" would identify more clearly the function of the Committee with the marketing of dried prunes, which is the purpose of the order. The change should be accomplished by substituting the word "Marketing" for "Administrative" in the introductory paragraph of § 993.24. Also, the center heading preceding § 993.24 should be revised to read "PRUNE MARKETING COMMITTEE".

(3) Another revision in § 993.24 should be the addition of a public member and alternate member to the Committee with the same voting privileges as the other 21 members. Even though Committee deliberations are open to public participation, the appointment of a "public member" who is outside the industry and represents the public's viewpoint should be beneficial to the industry. One of the advantages to the Committee would be the obtaining of the public's views on program matters such as marketing policy, grade and size regulations, pack specifications, and salable and reserve percentages. Another benefit would be the establishment of a means for maintaining a continuing dialogue between the producer and handler members of the Committee and non-industry persons.

So that the public member would be truly representative of the public and represent its views, that member should

not be associated with the commercial production, processing, financing, buying, packing, or marketing of California dried prunes except as a consumer. Nor should the public member be a director, officer, or employee of any firms engaged in those activities. A public member should not have any business dealings with any handler or producer and should not receive any remuneration from a producer or handler. Thus, a banker making loans to prune producers or handlers would not qualify as a public member, but University personnel receiving grants for studies of agricultural products could serve in this capacity. This qualification should be added as a new paragraph (e) in § 993.24. Paragraph (e) should provide that the public member and alternate shall have no financial interest in the prune industry.

The evidence of record is that it is unnecessary to provide additional qualifications for a public member because the provision should be broad enough to include anyone who is outside the industry, and who is willing to regularly attend Committee meetings and become familiar with the production and marketing of dried prunes.

The eligibility requirements in § 993.27 are now applicable to producer and handler members of the Committee. These requirements should continue to apply to those members, but a sentence should be added at the end of that section stating that these eligibility requirements shall not apply to the public member and alternate member.

The current nomination procedures in § 993.28 for producer and handler members are inapplicable for the public member and alternate public member. Therefore, a new paragraph (e) should be added to that section providing that the producer and handler members of the Committee selected for a new term of office shall nominate a public member and alternate member at the first meeting following their selection. This would enable the public member and alternate public member to serve for terms which are, as near as practicable, concurrent with the terms of office of the other members and alternate members of the Committee. Since the terms of the current membership of the Committee will not expire until May 31, 1982, the initial public member and alternate member should be nominated and selected as soon as practicable following the effective date of the amended order.

The addition of a public member would necessitate a change in the quorum requirements § 993.33. Currently, § 993.33 specifies that a

quorum shall be 12 for the 21-member Committee. Adding a public member would increase the Committee's membership to 22. To maintain the current balance between the quorum requirement and total membership, as near as practicable, the number of members required for a quorum should be increased to 13. However, it is unnecessary to change the current provision that at least 8 of the quorum must be producer members and at least 4 must be handler members.

(4) Section 993.28(b) now provides that nominations of producer members to represent cooperative producers and handler members to represent cooperative handlers shall be submitted to the Secretary by cooperative marketing associations engaged in the handling of prunes before April 16 of each year in which nominations are made. However, these provisions do not provide a specific means for cooperative associations to share such nominees when there are two or more associations. To provide such a means, a new sentence should be added to § 993.28(b). That sentence should specify that the number of cooperative producer members and handler members to be nominated by each cooperative marketing association shall bear, as near as practicable, the same percentage as each cooperative marketing association's tonnage of prunes handled as first handler thereof bears to the total tonnage handled by all cooperative marketing associations as first handlers thereof during the crop year preceding the year in which the nominations are to be made.

(5) The provisions of § 993.49(c) currently authorize the Secretary to establish a size regulation with respect to undersized French and non-French prunes upon a recommendation of the Committee whenever it determines that supply conditions for a crop year warrant such regulation. Most of the prunes produced in California are French prunes. Screens having round openings $2\frac{1}{2}$ of an inch in diameter are authorized for determining undersized French prunes. The screen sizes for eliminating undersize non-French prunes are $2\frac{1}{2}$ of an inch in diameter. Larger openings may be prescribed pursuant to § 993.52 if supply conditions warrant removal of the additional quantities of small prunes. This authority has been included in the order since 1972 and used in four of the nine years since then.

The notice of hearing included a proposal to revise § 993.49(c) so that annual Committee determinations and recommendations relating to undersize prunes would be unnecessary, and that

the use of minimum screen sizes of $2\frac{3}{32}$ for French prunes and $2\frac{1}{2}$ for non-French prunes would be continuous. It was also proposed in the notice that authority to increase the screen sizes, when supply conditions for a crop year warrant such regulations, be retained. Thus, under the proposals at least a minimum undersized regulation would be effective for each crop year and would continue in effect irrespective of whether the estimated season average price for prunes is in excess of the parity level specified in section 2(1) of the act.

Proponents contended that this proposal would: (1) Improve the quality of the prunes going into manufactured products, like juice and concentrate, as well as the products themselves; and (2) encourage cultural practices such as fruit thinning and pruning to improve prune size.

In addition to current authority to regulate prunes in terms of minimum standards of quality or more restrictive grades or sizes, the order prohibits handlers from shipping or otherwise making final disposition of lots of French prunes for human consumption as dried prunes unless the average count of such prunes is 100 or less per pound. The same restriction applies to lots of non-French prunes unless the average count of such prunes is 40 or less per pound. Lots of French and non-French prunes in which average size counts exceed those limitations may be disposed of in prune product outlets in which the prunes lose their form and character as prunes.

Prior findings and conclusions substantiating those requirements concluded that small prunes have less sugar, possess less desirable flavor and texture, and are less mature than larger prunes. Thus, the smallness of such prunes is definitely related to quality and maturity. It is also true that the number of pits and amount of skin in a given weight of small prunes is greater than the number and amount in the same weight of larger prunes. Those prior findings and conclusions recognized that there may be some mature and meaty prunes in the smaller size categories. However, those findings also recognized that a large percentage of prunes in those categories are so low in flesh and sugar content that they are unsuitable for human consumption.

Those prior findings and conclusions also concluded that, since prunes are graded by handlers into size categories by diameter screening and not by specific gravity, small prunes that may be mature and meaty are commingled with those unsuitable for human consumption as prunes. Separating such prunes is not economically feasible.

Consequently, consumers usually associate such small prunes with immaturity and inferior quality and generally consider them unacceptable for use as human food in the form of prunes.

Not only are small prunes generally unacceptable for this use, but evidence introduced at this hearing indicates that the smallest prunes in the crop are unacceptable for use in prune products as well. French prunes which pass through a $2\frac{3}{32}$ -inch screen have an average count of about 160 per pound when this size screen is the first in the grading operation, as is the case in normal industry grading operations. These prunes may range in size from 148 per pound to as many as 238 per pound. Such prunes contain about 22 percent pit compared to about 16.5 percent pit in $2\frac{3}{32}$ screen size French prunes, a size more preferable for manufacturing purposes. Additionally, the sugar to acid ratio in $2\frac{3}{32}$ screen size prunes is only 27 compared to 36 for the $2\frac{1}{2}$ screen size prunes.

In taste tests conducted by the University of California in 1975-1976, juice prepared from $2\frac{3}{32}$ screen size French prunes was compared with juice prepared from $2\frac{1}{2}$ and $2\frac{3}{32}$ screen size French prunes, and with a commercially prepared juice. The juice from the $2\frac{3}{32}$ screen size prunes was least preferred and that from the $2\frac{1}{2}$ screen size was the most preferred, even over the commercially prepared juice. The test results were significant at the five percent and one percent levels, indicating that the tests were statistically valid and that they were representative of the population as a whole.

These tests indicate that prune juice made exclusively from $2\frac{3}{32}$ screen size prunes would not be an acceptable consumer item. Consequently, these prunes must be blended with larger size prunes to avoid the inferior flavor the juice or concentrate would have if made exclusively from these smaller sized prunes. Only by blending can the smaller prunes be used to make an acceptable consumer product. Further, witnesses testified that these prunes detract from, rather than improve, the quality of product in which they are used. Therefore, their use in products like juice or concentrate is not in the long term interest of the industry, especially when it is endeavoring to improve the quality of its products and expand their markets. Prune juice and concentrate represent the industry's most important manufactured prune products and utilization for such products annually accounts for

approximately a third of the total marketable crop.

Undersized prunes are used primarily as a filler in prune products, and their value reflects that use. During the 1978-79 and 1979-80 crop years, no undersized regulations were in effect. In those seasons, producers received 2-9 cents per pound for 140 count and smaller standard French prunes. An undersized regulation was in effect in each of the four crop years preceding the 1978-79 crop year. The prunes removed by the undersized regulations in those years were not included in producer pricing schedules.

Opponents to the establishment of a continuing undersized regulation contend that the proposal would impose unjust financial burdens on prune producers in Santa Clara, San Benito, and Sonoma Counties, and several Counties in the southern San Joaquin Valley, because they produce large percentages of undersized prunes each year. They also contend that while the value of undersized prunes is minimal, producers should be able to market these prunes in order to recoup some of the costs incurred in harvesting and drying them.

All of the prune producing counties in California produce undersized prunes, not just the counties cited by the opponents. Data introduced at the hearing show that the percentage of undersized prunes in the prune production for any given county fluctuates from year-to-year and, for any given year, varies widely by county. Moreover, in some years, the percentages of undersized prunes for Butte, Sutter, and Yuba Counties are higher than those in other years for the Counties of Santa Clara, San Benito, Sonoma, and those in the southern San Joaquin Valley.

That an undersized regulation reduces the supply available for marketing and may impact some counties more than others in a given crop year was recognized by evidence introduced at the 1971 hearing. That evidence served as the basis for the current authority in the order to establish an undersized regulation for a crop year. Experience with undersized regulations under the current authority also recognizes that some French prunes removed by $2\frac{3}{32}$ inch screen (and some non-French prunes removed by a $2\frac{1}{2}$ inch screen) may be usable in conjunction with larger prunes in prune products, but that it is not currently practicable to remove them from the prunes prior to drying, which are not suitable for those purposes. Thus, those who opposed a permanent undersized regulation did not

introduce any new evidence into record. They also offered no convincing evidence to dispute the adverse effects of undersized prunes on the quality of the products in which they were used. There were contentions that the use of small prunes have no material impact because they may be blended with larger ones to mask undesirable characteristics. This was refuted by the observation that no product could be improved by the addition of an inferior ingredient.

The expressed goal of the California prune industry is to improve the quality of all prunes marketed for consumption as prunes or for use in prune products, thereby improving the demand for prunes and contributing to the economic strength of the industry. It is expected that this improvement in demand would result in long-term gains to producers and that this should offset any short-term advantage that might be gained through the sale of undersized prunes for use in prune products.

In view of the foregoing, the continuing undersized regulation as proposed should be established. To accomplish this, § 993.49(c) should be revised specifying that in no crop year shall a handler receive from producers or dehydrators prunes, other than as undersized prunes, which pass freely through a round opening with a diameter as follows: For French prunes $2\frac{3}{32}$ of an inch, and for non-French prunes $2\frac{1}{2}$ of an inch. A proviso should immediately follow specifying that the Secretary, upon a recommendation of the Committee, may establish larger openings whenever it is determined that supply conditions for a crop year warrant such regulation. The last sentence of that paragraph should state that the quantity of undersized prunes in any lot received by a handler from a producer or dehydrator shall be determined by the inspection service and entered on the applicable inspection certificate.

Section 993.53 currently provides that the minimum standards, the minimum sizes, and the provisions of this part relating to administration shall continue in effect irrespective of whether the estimated season average price for prunes are in excess of the parity levels specified in section 2(1) of the act.

Section 2(3) of the act authorizes the Secretary to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements for certain agricultural commodities, other than milk and its products, in interstate commerce as will effectuate the orderly marketing of those commodities and be in the public interest. Consistent with

the legislative history of section 2(3) of the act, minimum standards of quality are intended to keep off the market low quality, inferior products, even though prices may exceed the parity level. Such action is intended to be in the interest of consumers, as well as in the interest of producers. Any change (i.e., increase) in the size of the openings from those prescribed in § 993.49(c) would not be for the purpose of establishing a new quality-related minimum. On the basis of the record, larger openings would only be applicable when supply conditions warrant the regulation of a larger quantity of prunes as undersized prunes. Thus, any regulation prescribing openings larger than those in § 993.49(c) should not be invoked when that season price is above parity. In view of this, § 993.53 should be amended by adding the words "including the minimum undersized regulation in § 993.49(c)," immediately after the words "minimum sizes".

(b) One amendatory action included in this recommended decision required a conforming change elsewhere in the order, as amended. This was to change the subtitle preceding § 993.24 from "Prune Administrative Committee" to "Prune Marketing Committee". Such change should be incorporated in the recommended amendment of the order.

Rulings on Briefs of Interested Persons

At the end of the hearing, the Administrative Law Judge fixed January 19, 1981, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence presented at the hearing. The Administrative Law Judge later extended the final date for filing briefs to February 17, 1981. Briefs were filed by the Prune Administrative Committee, and the law firm of Messetti and Testa on behalf of the following prune producers and handlers: Danna and Danna Inc.; Valley View Packing Company; J. and A. Freitas; Mrs. Ottomer Neischulz; Jim Thomas; W. L. and Dorothy Parnow; John I. Ramos; Lazar Fruit Company; and Carl Holmes. Eighteen prune producers filed written arguments or comments regarding the proposed amendment.

Each point included in the briefs was carefully considered, along with evidence in the record, in making the findings and reaching the conclusions contained herein. To the extent that any suggested findings or conclusions contained in any of the briefs or arguments are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is

denied on the basis of the facts found and stated in connection with the recommended decision.

The attorney for the prune producers and handlers opposing the undersized regulation contended at the hearing and in the brief that insufficient time was allowed to adequately prepare for the hearing and requested a continuance. The Administrative Law Judge denied his request at the hearing for the following reasons:

Considerable effort was made by the Department and the Committee to bring the hearing to the attention of interested producers, handlers, and others and to give all parties enough time to prepare for the hearing. The amendatory proposal had been discussed extensively throughout the prune production area prior to the Committee's June 24, 1980, meeting. The matter was again thoroughly discussed at that meeting, during which the Committee requested the Department to hold a hearing to consider the proposed order amendment. Subsequently, the Department issued a pre-notice press release on August 13, 1980, announcing the proposed order amendment and inviting public comments on the proposals and on whether the hearing should be held. One comment was received from the Prune Bargaining Association (a price bargaining association), in support of the proposed changes.

Because there was reason to believe that the amendatory proposals could lead to a more effective marketing order, a decision was made to proceed with the issuance of a notice of a public hearing. A hearing notice was published in the *Federal Register* on November 24, 1980, in accordance with the Department's Rules of Practices and Procedure Governing Procedures To Formulate Marketing Agreements and Orders (7 CFR 900). A copy of that notice was mailed to all known producers and handlers and the Governor of the State of California. A press release concerning the proceeding was issued and made available to the media.

Prior to the time the hearing notice was issued, officials in the Department's Agricultural Marketing Service were available to help all persons, whether a proponent or an opponent. After discussions with persons opposed to change indicated the need for more preparation time, a tentative hearing time of early November 1980 was moved to December 2, 1980. It was decided that a hearing on that date would accommodate the opponent's need for more preparation time, but allow enough

time to complete the amendatory proceeding by the beginning of the 1981-82 season.

The Administrative Law Judge permitted seven opponent declarations to accompany the hearing record but refused to enter them into evidence as requested by the opponent's attorney. The Administrative Law Judge ruled that these individuals had waived their right to be heard in the proceeding because they failed to make an appearance (and thus provide an opportunity for cross examination). This decision is consistent with § 900.8 of the Department's rules.

Even though the seven declarations were not entered as evidence, a review revealed that they expressed opinions similar to those of the opponents who testified at the hearing, and hence, would not have added to the testimony of the opponents or the evidence of record.

General Findings

Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except for the finding as to the base period for parity computation and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of dried prunes in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) There are no differences in the production and marketing of dried prunes produced in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(6) All handling of dried prunes produced in the production area as defined in the marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended Amendment of the Marketing Agreement and Order

The following amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Section 993.21 is revised to read as follows:

§ 993.21 Salable prunes.

"Salable prunes" means those prunes which are free to be handled pursuant to any salable percentage established by the Secretary pursuant to § 993.54, or, if no reserve percentage is in effect for a crop year, all prunes, excluding the quantity of undersized prunes determined pursuant to § 993.49(c), received by handlers from producers and dehydrators during that year.

2. The center heading preceding § 993.24 is changed from "PRUNE ADMINISTRATIVE COMMITTEE" to "PRUNE MARKETING COMMITTEE" and § 993.24 is amended by revising the introductory paragraph, and adding a new paragraph (e), to read as follows:

§ 993.24 Establishment and membership.

A Prune Marketing Committee (herein referred to as the "Committee"), consisting of 22 members with an alternate member for each such member, is hereby established to administer the terms and provisions of this part, of whom with their respective alternates, 14 shall represent producers, 7 shall represent handlers, and 1 shall represent the public. Committee membership shall be allocated in accordance with the following grouping with the alternate positions identically allocated:

(e) The public member and alternate shall have no financial interest in the prune industry.

3. Section 993.27 is revised to read as follows:

§ 993.27 Eligibility.

Producer members of the Committee shall be at the time of their selection, and during their term of office,

producers in the group, for which selected and if to represent a district also producers in the district for which selected, and, except for producer members representing cooperative producers, shall not be engaged in the handling of prunes either in a proprietary capacity or as a director, officer, or employee. Handler members of the Committee shall be handlers in the group they represent or directors, officers, or employees of such handlers. These eligibility requirements shall not apply to the public member and alternate member.

4. In § 993.28 a new paragraph (e) is added to read as follows:

§ 993.28 Nominees.

(e) The producer and handler members of the Committee selected for a new term of office shall nominate a public member and alternate member at the first meeting following their selection.

5. Section 993.28(b) is revised to read as follows:

§ 993.28 Nominees.

(b) Before April 16 of each even-numbered year nominations of producer members to represent cooperative producers and handler members to represent cooperative handlers shall be submitted to the Secretary by cooperative marketing associations engaged in the handling of prunes. The number of cooperative producer members and handler members to be nominated by each cooperative marketing association shall bear, as near as practicable, the same percentage as each cooperative marketing association's tonnage of prunes handled as first handler thereof is to the total tonnage handled by all cooperative marketing associations during the preceding crop year.

6. Section 993.33 is revised to read as follows:

§ 993.33 Voting procedure.

Decisions of the Committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided*, That decisions on marketing policy, grade or size regulations, pack specifications, salable and reserve percentages, and on any matters pertaining to the control or disposition of reserve prunes or to prune plum diversion pursuant to § 993.62, including any delegation of authority for action on such matters and any recommendation of rules and

procedures with respect to such matters, including any such decision arrived at by mail or telegram, shall require at least 14 affirmative votes. A quorum shall consist of at least 13 members of whom at least 8 must be producer members and at least 4 must be handler members. Except in case of emergency, a minimum of 5 days notice must be given with respect to any meeting of the Committee. In case of an emergency, to be determined within the discretion of the chairman of the Committee, as much notice of a meeting as is practicable in the circumstances shall be given. The Committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When any proposition is submitted to be voted on by such method, one dissenting vote shall prevent its adoption.

7. Section 993.49(c) is revised to read as follows:

§ 993.49 Incoming regulation.

(c) In no crop year shall a handler receive from producers or dehydrators prunes, other than as undersized prunes, which pass freely through a round opening with a diameter as follows: For French prunes 23/32 of an inch, and for non-French prunes 28/32 of an inch: *Provided*, That the Secretary upon a recommendation of the Committee, may establish larger openings whenever it is determined that supply conditions for a crop year warrant such regulation. The quantity of undersized prunes in any lot received by a handler from a producer or dehydrator shall be determined by the inspection service and entered on the applicable inspection certificate.

8. Section 993.53 is revised to read as follows:

§ 993.53 Above parity situations.

The minimum standards, the minimum sizes, including the minimum undersized regulation in § 993.49(c), and the provisions of this part relating to administration shall continue in effect irrespective of whether the estimated season average price for prunes is in excess of the parity level specified in section 2(1) of the act.

9. Section 993.55 is revised to read as follows:

§ 993.55 Application of salable and reserve percentages after end of crop year.

The salable and reserve percentages established for any crop year shall remain in effect after that crop year until

salable and reserve percentages are established for another crop year. After such percentages are established, all reserve obligations shall be adjusted to the newly established percentages.

Signed at Washington, D.C., on May 27, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-10279 Filed 5-29-81; 8:45 am]

BILLING CODE 3410-02-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 124

Minority Small Business and Capital Ownership Development Assistance

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: The proposed amendment to the current regulations of the Minority Small Business and Capital Ownership Development Assistance program will implement those provisions of Pub. L. 96-481 (October 21, 1980), which require SBA to establish a fixed period of time for every participant concern to remain in the program.

DATE: Comments should be received on or before July 31, 1981.

ADDRESSES: Interested parties may submit comments on these proposed regulations to the Office of General Law, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Charlie L. Dean, Chief Counsel for Special Programs (202) 653-6699.

SUPPLEMENTARY INFORMATION: Particular areas covered in the proposed amendment include:

1. Section 124.1-1(f)(1) makes clear that the newly authorized Fixed Program Participation Term is a limited period for program participation in addition to and not as a substitution for periods of program participation limited by Completion actions pursuant to subsection (d) of the regulations or Termination actions pursuant to subsection (E) of the regulations. This provision also specifies that this newly authorized Fixed Program Participation Term is a requirement for program eligibility.

2. Sections 124.1-1(f)(2) and (f)(3) specify that the Fixed Program Participation Term shall be negotiated between SBA and the participant concern and shall be set forth in the concern's business plan. This provision also establishes time limitations for concerns currently in the program to

submit a Fixed Program Participation Term for negotiation with SBA.

3. Section 124.1-1(f)(4) establishes maximum periods of time for Fixed Program Participation Terms and provides for a one-time extension of such term. This provision also provides a preliminary Fixed Program Participation Term for concerns currently in the program pending negotiation of a regular Fixed Program Participation Term.

4. Section 124.1-1(f)(5) sets forth the criteria and policies which SBA will apply in negotiating Fixed Program Participation Terms for new program applicants and for concerns currently in the program applying for the necessary revision of their business plans.

5. Section 124.1-1(f)(6) provides that no Section 8(a) contracts may be awarded to a concern unless it has a Fixed Program Participation Term approved by SBA.

6. Section 124.1-1(f)(7) makes clear that the cessation of program eligibility at the conclusion of a Fixed Program Participation Term shall, in essence, be automatic, requiring no additional action by SBA and giving rise to no additional rights for the concerns. It is also emphasized that the cessation of program eligibility at the conclusion of a Fixed Program Participation Term is not subject to the Administrative Procedure Act hearing requirements of Section 8(a)(9) of the Small Business Act.

7. In establishing Fixed Program Participation Terms, the proposed regulations differentiate between concerns initially applying for program eligibility and concerns currently in the program, applying for a revision of their business plans to incorporate the required fixed terms.

For the purpose of Executive Order 12291, effective February 17, 1981, SBA hereby determines that these proposed rules, if finalized, would not constitute major rules. In addition, it is hereby certified that, for the purposes of the applicability of the requirements of sections 603 and 604 of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980, 5 U.S.C. 603 and 604), these proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. These rules govern only those firms which have been or will be admitted to participate in SBA's section 8(a) program. This number is not substantial relative to all small business firms in the United States.

Dated: May 27, 1981.

Michael Cardenas,
Administrator.

Therefore, pursuant to the authority of section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), the Small Business Administration proposes to amend Part 124 of its Regulations (13 CFR Part 124) by adding a new § 124.1-1(f) to read as follows:

§ 124.1-1 The section 8(a) program.

(f) *Fixed Program Participation Term.*

(1) In addition to Program Completion and Program Termination, set forth in subsections (d) and (e) of this section, every program participant shall be subject to a Fixed Program Participation Term. A Fixed Program Participation Term will establish the ultimate time period during which a concern may remain in the program and the conditions thereof, regardless of whether competitiveness is reached or Program Completion action is effected.

Except as noted in this section, a concern may not be accepted or continue in the program without a Fixed Program Participation Term.

(2) This Fixed Program Participation Term shall be negotiated between SBA and each small concern which is a participant or has applied for participation in the program.

(3) The provision of the Fixed Program Participation Term, including the time limitation therefor, shall be set forth in the SBA approved business plan of the program participant.

(i) A concern currently in the program shall submit to SBA a proposed revision of its business plan, incorporating a Fixed Program Participation Term, within two months from the effective date of this section 124.1-1(f). This Fixed Program Participation Term must be established, following negotiations pursuant to subsection (f)(2) herein, no later than April 21, 1982.

In negotiating this revised business plan, SBA will determine whether the concern currently in the program should be terminated, pursuant to subsection (e) of this section, completed pursuant to subsection (d) of this section, or extended subject to a Fixed Program Participation Term. A determination at this time, however, to extend a concern subject to a Fixed Program Participation Term shall not preclude SBA from initiating Program Completion action or Program Termination action at any time prior to the completion of the Fixed Program Participation Term.

(4) The maximum Fixed Program Participation Term shall be as follows. These maximum terms shall apply both to concerns applying for entry into the program and to concerns currently in the program, applying for a revision of their business plan to incorporate a Fixed Program Participation Term as required by these regulations.

For concerns whose primary business activity is classified by SBA as "service"—three years.

For concerns whose primary business activity is classified by SBA as "construction"—five years.

For concerns whose primary business activity is classified by SBA as "manufacturing"—five years.

For concerns whose primary business activity is classified by SBA in any other category—five years.

(i) Not less than one year prior to the expiration of the Fixed Program Participation Term, a concern may request SBA to review and extend its Fixed Program Participation Term for a period not to exceed the difference between the Fixed Program Participation Term established in the business plan and the maximum Fixed Program Participation Term authorized herein, plus one year. There may be no further extensions.

(ii) For concerns currently in the program applying for a revision of their business plan to incorporate a Fixed Program Participation Term, SBA may, at its option, accept these revisions upon receipt for the purpose of a preliminary Fixed Program Participation Term not to exceed one year, pending negotiation of a regular Fixed Program Participation Term as set forth herein.

(5) The criteria that SBA will use in negotiating a Fixed Program Participation Term or an extension thereof with current program participants and applicant program participants are as follows:

(i) The factors referenced in § 124.1-1(c)(4) of this regulation for determining economic disadvantage.

(ii) The number and dollar amount, and the progressively decreasing importance, of section 8(a) contract support that it is anticipated will be necessary to achieve competitiveness. In order to maximize limited program resources, SBA will emphasize business plans anticipating lesser amounts of section 8(a) contract support to reach competitiveness.

In negotiating a Fixed Program Participation Term for concerns currently in the program, SBA will

consider the section 8(a) contract support previously received by the concern. An SBA determination that such previous contract support has failed to appreciably contribute toward a timely achievement of competitiveness will be a significant factor toward limiting the Fixed Program Participation Term and the conditions thereof.

(iii) The number and dollar amount and the progressively increasing importance of contract support, other than section 8(a) contract support, that it is anticipated will be necessary to achieve competitiveness. SBA will emphasize business plans having greater reliance on this non-section 8(a) contract support to reach competitiveness.

In negotiating a Fixed Program Participation Term for concerns currently participating in the program, SBA will consider the non-section 8(a) contract support previously received by the firm. An SBA determination that the concern has failed to progressively increase the importance of such non-section 8(a) contract support during its previous participation in the program will be a significant factor toward limiting the Fixed Program Participation Term and the conditions thereof.

(iv) The length of time that it is anticipated will be necessary to achieve competitiveness. In order to maximize limited program resources, SBA will emphasize program participation for those concerns closer to competitiveness.

In negotiating a Fixed Program Participation Term for concerns currently in the program, SBA will consider the length of time during which the concern has previously participated in the program. The degree to which this past participation in the program has exceeded the maximum Fixed Program Participation Terms set forth in subsection (f)(4) herein, will be a factor toward limiting the Fixed Program Participation Term and the conditions thereof.

(v) The degree to which it is anticipated that Advance Payments and Business Development Expense will be necessary to enable the concern to successfully complete section 8(a) contracts and the extent to which reliance upon such proceeds will progressively decrease in importance. In order to maximize limited SBA resources and to increase exposure to regular competitive procedures, SBA will emphasize maximum use of conventional governmental and private

resources in performing such contracts.

In negotiating a Fixed Program Participation Term for concerns currently in the program, SBA will consider the previous Advance Payments and Business Development Expense received by the concern. An SBA determination that such Advance Payments and Business Development Expense support has failed to progressively decrease in importance during its previous participation in the program will be a factor toward limiting the Fixed Program Participation Term and the conditions thereof.

(vi) The rate at which it is anticipated that a concern will decrease its reliance upon all forms of program support, especially section 8(a) contract support, in reaching competitiveness at the end of the Fixed Program Participation Term.

In negotiating a Fixed Program Participation Term for concerns currently in the program, SBA will consider the previous rate at which the concern has decreased its reliance upon program support, and correspondingly increased its reliance upon conventional governmental and private contract business. An SBA determination that the concern has failed to appreciably improve its rate of business reliance in this manner will be a factor toward limiting the Fixed Program Participation Term and the conditions thereof.

(6) No contracts pursuant to 8(a) of the Small Business Act shall be awarded to any concern unless it has received and is operating under an SBA approved Fixed Program Participation Term.

(7) Nothing in this subsection (f) shall be construed to limit SBA from initiating Termination actions, pursuant to subsection (e) above, or Completion actions, pursuant to subsection (d) above, during any Fixed Program Participation Term granted herein.

(8) Upon the conclusion of the Fixed Program Participation Term granted and/or extended herein, a concern will cease to be a program participant. This Cessation of program participation shall occur without the necessity of any additional action by SBA; also it shall not give rise to any rights, claims or prerogatives on behalf of the concern. Cessation of program participation at the conclusion of the Fixed Program Participation Term shall not be subject to the hearings or other requirements of Section 8(a)(9) of the Small Business Act (15 U.S.C. 637(a)(9)) or any implementing rules or regulations.

[FR Doc. 81-16303 Filed 5-29-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-SO-27]

Proposed Alteration of Transition Area, Campbellsville, Kentucky

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will alter the Campbellsville, Kentucky, Transition Area by designating an extension. A new standard instrument approach procedure has been developed for the Taylor County Airport and additional controlled airspace is required to protect aircraft executing the approach procedure.

DATE: Comments must be received on or before July 24, 1981.

ADDRESSES: Send comments on the proposal to:

Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION: Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before July 24, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763-7646. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to designate an extension to the Campbellsville, Kentucky, 700-foot Transition Area. This action will provide controlled airspace protection for aircraft executing the proposed NDB Runway 23 standard instrument approach procedure at the Taylor County Airport. The existing Arista, nonfederal, nondirectional radio beacon, located on the airport will support the approach procedure.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR 71) as follows:

Campbellsville, Kentucky

" * * * 211° bearing * * * " is deleted, and " * * * 052° and 211° bearing * * * " is substituted, and " * * * southwest of the NDB * * * " is deleted, and " * * * northeast and southwest of the RBN * * * " is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation will not have a significant economic impact on a substantial

number of small entities under the criteria of the Regulatory Flexibility Act.

This proposed amendment involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on May 15, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-16106 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-19]

Proposed Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter VOR Federal Airway V-280 between Roswell, N. Mex., and Texico, N. Mex., and would also revoke V-280S between Roswell and Texico. This action would improve flight planning, reduce chart clutter, and eliminate coordination between air traffic control centers for aircraft on V-280 in that area.

DATE: Comments must be received on or before July 1, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 81-ASW-19, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (ATT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis

supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-19." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign V-280 between Roswell, N. Mex., and Texico, N. Mex. In addition, V-280S would be revoked. This action would shorten the distance between Roswell and Texico, thereby saving fuel. The revocation of V-280S is consistent with our policy to eliminate alternate airways in support of an agreement with the International Civil Aviation Organization (ICAO). Section 71.123 under Part 71 was republished on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend V-280 under § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 409), by deleting the words "Roswell, N. Mex.; INT Roswell 063° and Texico, N. Mex., 216° radials; Texico, including a south alternate via INT Roswell 080° and Texico 216° radials;" and substituting for them the words "Roswell, N. Mex.; INT Roswell 063°T(051°M) and Texico, N. Mex., 218°T(207°M) radials; Texico;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 21, 1981.

B. Keith Poits,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-16102 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-SO-24]

Proposed Alteration of Transition Area, Aiken, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will alter the Aiken, South Carolina, Transition Area by lowering the base of controlled airspace from 1,200 to 700 feet AGL between 8 and 8.5 miles around the Aiken Municipal Airport. This action will eliminate the need to redesignate an existing arrival extension or to designate further extensions.

DATE: Comments must be received on or before: July 27, 1981.

ADDRESSES: Send comments on the proposal to:

Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT:

Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before July 27, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763-7646. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14

CFR 71) to increase the basic radius of the Aiken, South Carolina, Transition Area from 8 to 8.5 miles around the Aiken Municipal Airport. An extension is presently predicated on the 048° bearing from the Aiken (nonfederal) nondirectional radio beacon, located on the airport. The approach course of the NDB Runway 24 standard instrument approach procedure has changed to the 038° bearing. By increasing the basic radius area to 8.5 miles, all extensions based on the radio beacon would be included.

This action will (1) simplify the transition area description by deleting references to the radio beacon, (2) correct an existing deficient arrival extension, and (3) eliminate the need for future amendments resulting from NDB approach procedure changes.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR 71) as follows:

Aiken, South Carolina

The present description is deleted and * * * That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Aiken Municipal Airport (latitude 33°39'10"N., longitude 81°41'25"W.) * * * is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This proposed amendment involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on May 20, 1981.

Thomas H. Protiva,
Acting Director, Southern Region.

[FR Doc. 81-16170 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71 and 75

[Airspace Docket No. 81-AWA-4]

Designation and Revocation of Area High Routes, Reporting Points, and Control Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to: (a) designate an area high route from Anchorage, Alaska, to the U.S./Canadian border; (2) revoke Area High Route J997R; and (c) revoke Control Area 1310 and associated reporting points. These actions would improve air traffic control routings and flight planning for pilots, and would reduce controlled airspace not required for air traffic control purposes.

DATE: Comments must be received on or before July 1, 1981.

ADDRESS: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWA-4, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, Alaska, 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: John Watterson, Airspace Regulations and Obstructions Branch (ATT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions

presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AWA-4." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering amendments to § 71.162, 71.211, 71.213, and 75.400 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to: (a) revoke Control Area 1310 and amend that part of Control Area 1487 that excludes the portion within 1310, and their associated reporting points; (b) revoke J997R; and (c) designate J804R from Anchorage, Alaska, to overlie J-111 and the current Control Area 1310 route to the FRIED reporting point at the U.S./Canadian border. These actions would improve air traffic control efficiency and pilot flight planning for air traffic operating between Anchorage, Alaska, and the Continental U.S. The description of these routes and reporting points under Parts 71 and 75 were republished

on January 2, 1981, (46 FR 449, 758, 760 and 848).

ICAO Considerations

As part of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §§ 71.163, 71.211, 71.213 and 75.400 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75), as republished (46 FR 449, 758, 760, and 848) as follows:

1. § 71.163, by removing Control 1310 and by deleting from Control 1487 the words "portion within Control 1310 and the" from the last line of its description.

2. § 71.211, by removing "CARTS" "FRIED" "SHRIM" and "SNOUT" and their definitions in their entirety.

3. § 71.213, by removing "CARTS" "FRIED" and "SNOUT" and their definitions in their entirety.

4. § 75.400, by removing "J997R Anchorage, Alaska, to Annette Island, Alaska" and its description and by adding the following:

Waypoint Name, Location, and Reference Facility

J804R Anchorage, Alaska, to FRIED

Anchorage, Alaska—61°09'05" N., 150°12'16" W., Anchorage, Alaska

NOWEL—60°29'01" N., 148°38'01" W., Anchorage, Alaska

Middleton Island, Alaska—59°53'28" N., 146°20'53" W., Middleton Island, Alaska

SNOUT—57°53'28" N., 141°45'13" W.,

Yakutat, Alaska

EEDEN—55°54'00" N., 137°00'00" W., Biorka Island, Alaska

FRIED—54°13'20" N., 133°37'51" W., Annette Island, Alaska

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1055(c)); and 14 CFR 11.65)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on May 22, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-10164 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 81-ASW-22]

Proposed Alteration of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter Jet Routes J-15 and J-180 between Junction, Tex., and Humble, Tex. The realignment of these jet routes would provide additional route flexibility for maneuvering departure/arrival traffic in the Humble area.

DATES: Comments must be received on or before June 1, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 81-ASW-22, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-22." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available

for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to realign Jet Routes J-15 and J-180 between Junction, Tex., and Humble, Tex. The realignment would provide parallel west departure routes from the Houston area, thereby reducing departure delays and enhancing the flow of traffic and decreasing the controller workload. Section 75.100 under Part 75 was republished on January 2, 1981 (46 FR 834).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend the descriptions of Jet Routes J-15 and J-180 under § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75), as republished (46 FR 834), as follows:

1. Jet Route No. 15 [Amended]

By deleting the words "From Humble, Tex., via INT Humble 268° and Junction, Tex., 112° radials; Junction;" and substituting for them the words "From Humble, Tex., via INT Humble 275°T(267°M) and Junction, Tex., 106°T(098°M) radials; Junction;"

2. Jet Route No. 180 [Amended]

By deleting the words "From Humble, Tex., via Daisetta, Tex.;" and substituting for them the words "From Junction, Tex., via INT Junction 112°T(104°M) and Humble, Tex., 264°T(256°M) radials; Humble; Daisetta, Tex.;"

[Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65]

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are

necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 21, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-16196 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 323

[PDR-74; Docket 39632; Dated: May 14, 1981]

Airlines; Terminations, Suspensions, and Reductions of Service

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to limit the requirement that a certificated airline file a 90-day notice when ending all its service to a community to situations where that airline is the last or next-to-last certificated carrier serving that community. The CAB also proposes to eliminate the requirement that airlines file a 60-day notice when ending the last nonstop or single-plane service in a foreign or domestic market. At the same time, the CAB proposes to require certificated airlines to file a 90-day notice when reducing total available capacity at a community by 25 percent or more. These actions are in response to the sunset and small community air service provisions of the Federal Aviation Act.

DATES: Comments by: July 31, 1981. Comments and other relevant information received after this date will be considered by the Board only to the extent practicable. Requests to be put on the Service List by: June 17, 1981. The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 39632, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel; Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: Sections 401(j) and 419 of the Federal Aviation Act require airlines to file a notice with the Board whenever they intend to terminate, suspend, or reduce air service to a community. By PR-200, 44 FR 20635, April 6, 1979, the Board added a new 14 CFR Part 323, *Terminations, Suspensions, and Reductions of Service*. This part establishes procedures for air carriers to follow in filing the notices required by sections 401(j) and 419. It sets forth the circumstances that call for the filing of a notice, how long before the intended termination or reduction of service it must be filed, whom it must be served on, and the information it must contain. Part 323 also establishes procedures for filing objections to a carrier's notice, filing answers to those objections, and notifying the Board of temporary suspensions of service due to strikes or other events beyond the carrier's control.

Under Part 323, certificated carriers must give 90 days' notice whenever they wish to terminate all service at a point, reduce air transportation there below the essential level, or terminate all cargo air transportation to a foreign country. Certificated carriers must give 60 days' notice before terminating the last nonstop or single-plane service between two points in this country, or all nonstop and single-plane service between a point in this country and a point in a foreign country. Commuter air carriers must give 30 days' notice when they wish to terminate or reduce air transportation to a community so that that point will receive less than essential air transportation. The notice must be given 90 days before the intended termination or reduction if the commuter is receiving subsidy for serving that point.

As part of the process of deregulation, some of the authority of the Board terminates on December 31, 1981. Among the authority that we lose is the power to require airlines to file most of the notices now required under section 401(j) of the Act. Section 1601(a)(1)(D) of the Federal Aviation Act states that "The authority of the Board with respect to * * * section 401(j) of this Act (except with respect to essential air

transportation) * * * shall cease to be in effect on December 31, 1981." Thus beginning January 1, 1982, the Board may require notices of carriers under section 401(j) of the Act only to the extent necessary to implement the essential air service program mandated by section 419 of the Act.

In order to conform our rules to the changes in our statutory authority, and in light of our experience under the present rule, we are proposing several amendments to Part 323. Under this proposal, the 60-day notice of termination of the last nonstop or single-plane service in a market would no longer be required. The 90-day notice required of a certificated carrier when it terminates all its service to a point would be eliminated except in a few cases explained below. All notice requirements involving foreign air transportation would also be eliminated. Sections prescribing the time for filing, the contents, and the service of notices would be changed to reflect the elimination of these notices. Section 323.8, which exempts minor service from the 60-day notice requirement, would be revoked as it would no longer have any significance. Since no notices would be required for suspensions involving foreign air transportation, the notice (§ 323.14) and report (§ 323.15) required when there is an involuntary interruption of air service to a foreign country would no longer be mandatory.

The only notice requirements that would remain would be those necessary to implement the essential air service program. This program, established under section 419 of the Act, is designed to insure that the increased freedom of airlines to enter and exit markets under deregulation does not leave any community without at least essential air service.

Under this program, the Board sets essential air service levels for communities that are eligible points. Eligible points are those that were listed on an air carrier's certificate on October 24, 1978 and others that the Board designates using the criteria in 14 CFR Part 270. The Board issues essential air services determinations for eligible points if they are serviced by less than two certificated carriers. If an air carrier wanted to reduce service to an eligible point below the level that the Board determined to be essential, it would under this proposal still have to file a notice. For an eligible point where the Board has not yet issued an essential air service determination, the current requirement that a carrier file a notice if service to all hubs is being reduced to

less than two flights per day, five days per week would also remain.

Continuation of these notices is authorized by the Act, and would usually insure that the Board and affected communities receive timely notice of a change in service that affects that point's essential air service. We have tentatively concluded, however, that some additional notice requirements are needed in order to carry out our responsibilities under section 419 of the Act.

Section 419(a)(2)(B) states that the Board must make an essential air service determination for an eligible point within 6 months of receiving notice that the point's air service will be reduced to service by one or no certificated air carriers. Currently, we learn of such reductions under § 323.3(a)(1) of our rules. This section requires a certificated carrier to file a notice when terminating all its service at a point. This notice must be filed regardless of how many other certificated carriers will still be serving the point. Since we are proposing to eliminate that requirement here, some other notice is needed to let us know that the 6-month period for making an essential air service determination has begun. A notice requirement in this situation would also give the Board an opportunity to determine whether the proposed service reduction reasonably appears to affect the point's essential air service. We are therefore proposing a new § 323.3(a)(1) to require the next-to-last certificated carrier to file a notice 90 days before terminating all its service at an eligible point. Service that is operated less than 5 days per week would be considered terminated. Since the purpose of this notice requirement would be primarily to notify the Board of the need to make an essential service determination, and the termination itself may not impact on the point's essential service, we request comments on whether the notice period should be shorter than 90 days.

We are also proposing to require the last certificated carrier to file a 90-day notice before terminating all its service to an eligible point, even if commuters are serving there. This would serve several functions relating to the essential service program. First, it would aid in monitoring air service levels at eligible points. The exit of the last certificated carrier is a major change in a community's air service and one that the Board should be made aware of since we are responsible for securing any needed replacement service. The notice also would tell us that we will learn of future air service changes at

that point on only 30 days' notice, the notice period typically required of uncertificated carriers. More importantly, this notice would give us an opportunity to consider the reliability of the remaining commuter air carriers. If we find them to be unreliable or incapable of providing the essential air service, we will have to order the certificated carrier to continue its service at the point until a reliable replacement is found. Finally, notice of the departure of the last certificated carrier is important to the Federal government because it might have an impact on the programs or expenditures of the Federal Aviation Administration or the Post Office.

The notices described above will be sufficient to ensure that the Board is aware of air service changes that affect essential air transportation at single-carrier eligible points. There may be instances at multi-carrier points, however, where the major carrier there terminates or significantly reduces its service without having to file a notice. Although the community might still be receiving service from two or more certificated carriers, the termination or reduction may leave a significant portion of the point's traffic totally unaccommodated. In such situations, the Board has, under 14 CFR 398.6(b)(4), made a finding of a major transitional problem and issued a transitional essential air service determination for the point. This has had the effect of forcing the incumbent carrier to continue providing some or all of the service that it proposed to terminate. To date, each time that the Board has found a transitional problem and ordered the incumbent to continue service, it has involved a reduction of available capacity at the point of at least 25 percent.

We therefore propose to require any certificated carrier seeking to make changes that will reduce the total available capacity at an eligible point by 25 percent or more within a 90-day period to file a 90-day notice with the Board. This would give us an opportunity to review the air service needs of the community and decide whether a major transitional problem exists there. Only certificated carriers would have to file this notice. In determining whether its termination would reduce available capacity by more than 25 percent, the carrier should consider only flights to hubs. The carrier may count the available seats on both certificated and commuter carriers in deciding whether its action will cause a 25-percent reduction. Carriers could not evade this notice requirement by

instituting a phased reduction in service of more than 25 percent over a short period of time.

In all, these changes would reduce the current reporting burden on carriers under Part 323 by about 75 percent. At the same time, we would retain our ability to monitor essential air service at eligible points.

Although we are proposing to eliminate all 60-day notices involving foreign air transportation, we still want to know when a carrier is terminating all its nonstop and single-plane service in a foreign market. Currently, under 14 CFR Part 231 air carriers must file schedule changes with the Board. Three copies of the new schedule page and a summary sheet describing all additions and changes to their schedule must be submitted. These provide the Board with the necessary notice without causing a delay in the implementation of the schedule change. No additional filing requirements are needed.

The reduction in the notice requirements proposed here will mean that many flights could be cancelled with little or no notice to the communities affected. This could cause problems for people who hold reservations on those flights. To avoid any hardship, we would expect carriers to contact all passengers holding reservations on the cancelled flights to inform them of the flight cancellation and to attempt to arrange alternate transportation. Failure to do so may be viewed as an unfair or deceptive practice, in violation of section 411 of the Act.

We propose that the amendments described above take effect on January 1, 1982, when our statutory authority changes. We request comments on whether some, particularly the elimination of the notices involving foreign air transportation, should become effective earlier.

The Regulatory Flexibility Act, Pub. L. 96-354, took effect on January 1, 1981. The Act is designed to ensure that agencies consider flexible approaches to the regulation of small businesses and other small entities. It requires agencies to analyze the need, objectives, legal basis, and alternatives, for rules that if adopted will have a "significant economic impact on a substantial number of small entities." This rule would leave the notice requirements for commuters unchanged, so it will not have a significant economic impact on small carriers. Their obligations under Part 323 are already less than those of the larger certificated carriers. The rule may have a significant economic impact on small communities that are eligible points (about 550). They will no longer

receive advance notice of some air service reductions. They will, however, continue to receive notice of the most important reductions, those that affect essential air services.

The need, objectives, and legal basis for this rule are described above. Possible alternatives would be continuing the present notice requirements or further reducing them. Our statutory authority to adopt the first alternative is questionable. The second alternative would make it difficult if not impossible to monitor and maintain essential air service at small communities as required by section 419 of the Act. The proposed rule would not impose any additional reporting requirements on small air carriers or small communities and would not duplicate, overlap, or conflict with other Federal rules.

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 323, *Terminations, Suspensions, and Reductions of Service*, as follows:

1. The table of contents would be amended by removing § 323.8 and by adding at the end a new § 323.18, *Carriers' obligations when terminating, suspending, or reducing air service.*

2. The definition of "certificated carrier" in § 323.2 would be revised to read:

§ 323.2 Definitions.

"Certificated carrier" means a direct air carrier holding a certificate of public convenience and necessity issued by the Board under section 401 of the Act, authorizing scheduled route service.

3. In § 323.3 paragraphs (a) introductory text, (a)(1) through (a)(3), (a)(4) introductory text, and (a)(5) would be revised and paragraph (b) would be removed and reserved so that the section would read:

§ 323.3 Who shall file notices.

(a) *Terminations, suspensions, or reductions by certificated carriers.* The notice described in § 323.4(a) shall be filed by any certificated carrier that intends to:

(1) Terminate or suspend all passenger air transportation that it is providing to any eligible point in the United States when that termination or suspension will leave one or no certificated carriers serving that point. Service shall be considered to be terminated or suspended whenever it is operated less than 5 days per week;

(2) Reduce passenger air transportation so that any eligible point receives less than the level of essential

air transportation determined by the Board:

(3) Reduce passenger air transportation to any eligible point for which the Board has not determined the level of essential air transportation, other than a point in Alaska, so that there is no FAA-designated hub from which the point receives at least two round trip flights per day, 5 days per week;

(4) Reduce passenger air transportation to any eligible point in Alaska for which the Board has not determined the level of essential air transportation so that the service between that point and every other point served by a certificated carrier is either—

(5) Terminate, suspend, or reduce passenger air transportation so that the total available seats of all the carriers linking the eligible point to all FAA-designated hubs will be reduced by 25 percent or more during a 90-day period. Service to a hub shall be considered to be terminated or suspended whenever it is operated less than 5 days per week, with three or more intermediate stops, or in one direction only between the two points.

(b) [Reserved]

§ 323.4 [Amended]

4. In § 323.4, *contents of notices*, paragraph (b) would be removed and reserved.

5. Section 323.5 would be revised to read:

§ 323.5 Time for filing notices.

A notice required by § 323.3 shall be filed at least—

(a) 90 days before the intended termination, suspension, or reduction, if it is filed by a certificated carrier or by an uncertificated carrier receiving compensation under section 419 of the Act for service to the point;

(b) 30 days before the intended termination, suspension, or reduction, if it is filed by an uncertificated carrier not receiving compensation under section 419 of the Act for service to the point.

6. In § 323.6, paragraph (b) would be revised and paragraph (c) would be removed and reserved so that the section reads:

§ 323.6 General requirements for notices.

(b) Each notice filed under this part shall be titled to indicate the point(s) involved, and to indicate whether it is a 30- or 90-day notice and whether it involves a termination, suspension, or a reduction of air transportation.

7. In § 323.7, paragraph (a) introductory text and (a)(1) would be revised and paragraphs (a)(2) and (b) would be removed and reserved so that it reads:

§ 323.7 Service of notices.

(a) A copy of each notice required by § 323.3 shall be served upon:

(1) The chief executive of the principal city or other unit of local government at the affected point. The principal city is the one named, or previously named, in the section 401 certificate by virtue of which the point qualifies as an eligible point. For points in Alaska or Hawaii that are designated by the Board as eligible points without having been listed on a section 401 certificate, the principal city is the most populous municipality at the point.

(2) [Reserved]

(b) [Reserved]

§ 323.8 [Reserved]

8. Section 323.8, *Exemption from 60-day notice for minor service*, would be removed and reserved.

§ 323.10 [Amended]

9. § 323.10, *Time for filing objections*, paragraph (a)(2) would be removed and reserved.

§ 323.12 [Amended]

10. In § 323.12, *General requirements for objections and answers*, paragraph (c) would be removed and reserved.

11. In § 323.14, paragraph (d) would be revised to read:

§ 323.14 Temporary suspension authority for involuntary interruption of service.

(d) The notice required by paragraph (b) or (c) of this section shall be marked for the attention of the Director, Bureau of Domestic Aviation.

12. In § 323.15, paragraph (b) would be revised to read:

§ 323.15 Report to be filed after strikes.

(b) The report shall be marked for the attention of the Director, Bureau of Domestic Aviation.

13. Section 323.16 would be revised to read:

§ 323.16 Listings in schedule publications.

Each air carrier filing a notice under paragraphs (a)(2), (a)(3), (a)(4), (a)(5), or (c) of § 323.3 shall continue to list the affected flights in all generally-distributed schedule publications in which the flight was listed before the notice. The listings shall continue until the Board permits the flights to be

discontinued. The listings may include a notice stating that the flights are "to be discontinued as of (date) subject to government approval."

14. A new § 323.18 would be added to read:

§ 323.18 Carrier's obligations when terminating, suspending, or reducing air service.

Any air carrier that terminates, suspends, or reduces air service, whether or not subject to the notice requirements of this part, shall make reasonable efforts to contact all passengers holding reservations on the affected flights to inform them of the flight's cancellation.

(Secs. 204, 401, 407, 411, 419, and 1601, P.L. 85-726, as amended, 72 Stat. 743, 754, 766, 769, 92 Stat. 1732, 1744; 49 U.S.C. 1324, 1371, 1377, 1381, 1389, 1551)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

(FR Doc. 81-10232 Filed 5-29-81; 8:45 am)

BILLING CODE 6320-01-M

14 CFR Part 399

[PSDR-72; Docket 39635; Dated May 14, 1981]

Standard Foreign Fare Level Methodology; Statements of General Policy

AGENCY: Civil Aeronautics Board.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The CAB is seeking comments on its present Standard Foreign Fare Level (SFFL) methodology. The SFFL provides a cost pass-through mechanism that keeps Board fare policy in tune with current cost trends. While the current procedure has been workable and effective, the Board believes that it can be improved.

DATES: Comments by: July 10, 1981.

Reply comments by: July 30, 1981.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: June 10, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on the others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 39635, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple

copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Julien R. Schrenk, Chief, Domestic Fares and Rates Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5298.

SUPPLEMENTARY INFORMATION:

Background

The International Air Transportation Competition Act (IATCA)¹ requires that the Board establish a Standard Foreign Fare Level (SFFL) and adjust it periodically by percentage changes in actual operating costs per available seat-mile (ASM). The SFFL thus computed forms the benchmark for measuring a no-suspend zone: the Board may not suspend, except in exceptional circumstances, an international fare that is less than 5 percent above and 50 percent below the SFFL, unless it is unjustly discriminatory or a foreign government has unreasonably rejected U.S. carrier fare proposals. With few exceptions, the SFFL system reflects cost escalation over fares approved for effectiveness on or after October 1, 1979. In essence, Congress presumed such fares to be just and reasonable.² Consequently, the SFFL calculations measure inflation from October 1, 1979, to the midpoint of the latest projection period for the three international ratemaking entities for which carriers report separate data to the Board: Atlantic, Latin America, and Pacific.

In order to fulfill the intent of Congress that the SFFL reflect the most current costs, we revise the SFFL using short-term projections every two months. In addition, for those carriers preferring greater stability in rate levels, alternative SFFL levels are computed based on four month projections. Thus, the most recently published four month levels are effective February 1, 1981 through May 31, 1981. From time to time, the Board has expanded the no-suspend zones beyond the Congressionally ordained minima to reflect changed circumstances in the industry and new information.³ Even these expanded regulatory zones, however, use the SFFL as a benchmark. Our approvals of IATA fare agreements have been conditioned on adherence to SFFL regulatory ceilings.⁴ The SFFL calculation is,

therefore, a crucial component of board international fare policy.

We believe our current methodology is reasonable, but would like to refine it where possible and ensure that it stands on the soundest economic footing. We are, therefore, conducting this inquiry in order to solicit comments from carriers and other interested parties on the issues involved. The comments received, in combination with other information already available, should provide the basis for an additional notice where specific solutions to identified problems will be proposed. We should emphasize that this docket is intended only for examination of the SFFL escalator methodology, and not the Board's fare flexibility policies. The latter, as we noted in Order 81-1-119, are under continuous review and will continue to be dealt with in separate dockets.

Discussion

Basically, our current SFFL methodology, like its domestic SIFL counterpart, projects the most recent cost trends, through linear extrapolation, to the midpoint of the period in which the fare benchmark will be in effect. The IATCA permits the Board to consider reasonable estimates of future costs in the SFFL. Due to the significant differences between the rates of escalation of fuel and other costs, fuel and nonfuel costs are broken out separately.

In general, we strive to use the most objective historical data in all calculations, both to minimize the need for judgment and to reduce the possibility of data manipulation. We have tried to minimize the need for judgment in order to maximize the speed with which these periodic calculations can be issued. The tradeoff between speed and the possible increase in accuracy which increased reliance on judgement might permit is fundamental to the SFFL system, and is at the core of this proceeding.

While we expect the parties to take advantage of this opportunity to comment upon the entire SFFL methodology and to offer concrete and practical suggestions, we have identified a number of areas where specific comment is requested.

1. Method of Fuel Cost Projection

One of the most problematic areas of the present SFFL adjustment procedure is the use of linear extrapolations for fuel cost projections. These are based on the latest available monthly data (Schedule P-12(a), Form 41) submitted

by the carriers.⁵ We also receive weekly reports of fuel prices paid, which are calculated less formally. It is now all too plain that the price of jet fuel can fluctuate violently. While recent trends have generally been upward, the rates of increase have varied greatly.

With our present system of using the average escalation for the most recent four-month period, unadjusted, and projecting it forward, a substantial change in the price of fuel may not be reflected in a SFFL adjustment until several months after it occurs.

Substantial anomalies have resulted from this method. If fuel costs have been stable, a relatively small SFFL upward adjustment may be issued, just before the stability bursts and prices escalate rapidly. Conversely, if prices have been rising substantially, a high rate of increase may be projected into the future, even as prices stabilize. The result is then an overstated SFFL which may even have to be reduced at the next periodic adjustment if stability continues. The system does have the virtue of being partially self-correcting, particularly when SFFL excesses and shortfalls fall randomly over seasonal variations in fuel usage.

We have used more subjective estimation techniques when weekly price reports indicated that a substantial shift in rates of increase is imminent. In two SFFL orders,⁶ these techniques increased the SFFL escalation over what it would otherwise have been. Most recently, the application of judgment led to a small decrease in the escalators.⁷ We are troubled by such *ad hoc* adjustments, however. First, there are the obvious disadvantages of predicting such an inherently speculative item as future jet fuel prices. Such predictions inevitably contain a degree of arbitrariness, and there is no way for the Board to seek public comment given the pertinent time constraints. Second, if such adjustments are to be permitted as a matter of policy, the questions of how and when to make them remain.

We specifically request public comment on:

1. The advantages and disadvantages of current linear extrapolations.
2. Whether there is a fully objective methodology available that would avoid the anomalies caused by the current method.
3. Whether increasing the number of months which go into the estimation base, e.g., from the current four to six,

⁵ These data are gathered on a confidential basis and only aggregates are published. See EDR-422, 46 FR 21185, April 9, 1981.

⁶ Orders 80-2-09 and 81-2-108.

⁷ Order 81-5-45.

¹ Pub. L. 96-182; the pertinent fare provisions of the IATCA amended section 1002(j) of the Federal Aviation Act of 1958 (the Act).

² See Order 80-5-140.

³ See Orders 80-5-139 and 81-1-119.

⁴ See, e.g., Order 81-3-104.

would adequately smooth out fluctuations.

4. The proper use of weekly fuel reports.

5. The uses of data and forecasts from sources other than the Board, e.g., the Department of Energy.

6. When and how to make subjective determinations of fuel costs.

II. Nonfuel Costs

Total nonfuel costs, adjusted to exclude nonpassenger costs on a revenue offset basis,⁸ are also estimated through linear extrapolation. We generally project, to the midpoint of the rate period, the escalation shown by a comparison of costs for the most recent 12-month period with the previous 12-month period. Because nonfuel costs have escalated more uniformly and less rapidly than fuel costs, this method, we believe, has proved less troublesome. However, the use of the annual data has been criticized from time to time, when carriers believed inflation was accelerating and thought a comparison of year-over-year quarterly data (e.g., 3rd quarter 1980 over 3rd quarter 1979) would give more accurate results.

Because the SFFL is intended to minimize regulatory lag, the Board, in preparing the SFFL, has calculated it on both a quarterly and annual basis for comparison purposes. In the absence of compelling reasons to do otherwise, we have a strong policy of relying on the annual data. Quarterly data can be completely distorted because of strikes, major groundings, significant changes in cost allocations, or even the weather. Longer annual periods tend to even out such distortions.

In principle, as long as we rely on reported data, the best indication of current inflation would seemingly be calculated by comparing costs per available seat-mile for the most recently reported quarter with the 3-month period preceding, e.g., 4th quarter 1980 over 3rd quarter 1980. However, the airline industry is highly seasonal, adding an additional and overriding obstacle to the difficulties of using quarterly data described above. The challenge of isolating a pure inflation component out of a consecutive quarter change in costs per ASM (i.e., correcting for seasonal changes in capacity and the weather) is significant.

We request the public to comment on:

1. Whether quarterly data used in either of the above described ways can be normalized and adjusted sufficiently to make it acceptable.

2. Whether the Board has the legal authority to adjust quarterly data given the strictures against "adjustments to costs actually incurred" contained in section 1002(j)(9) of the Act.

3. Assuming normalizations are necessary and possible, will they require such judgment that each SFFL calculation will be delayed and controversial.

4. Whether sources of data and projections other than carrier official reports to the Board, such as indices prepared by the Bureau of Labor Statistics, the Department of Commerce or other government agencies, could be usefully employed to improve the estimation process.

III. Capital Costs

By statutory definition,⁹ the SFFL deals with changes in "operating cost per available seat-mile." The Board has always treated interest accruals as a nonoperating expense and they are, therefore, not explicitly considered in the SFFL calculations. The noninterest component of capital costs, the return on equity, is not reported to the Board as a cost *per se* and plays no role in the SFFL. In essence, the return on investment reflected in the SFFL is that permitted by the base fares approved for effectiveness on or after October 1, 1979.

Return on investment is one of the most difficult areas in any cost based price regulation. Certainly, capital costs do change, and are a fully legitimate cost of business. Prior to introduction of the SFFL system, the Board's deliberations on international fare filings did include consideration of interest expense. On the other hand, reported interest costs can vary because of factors wholly unrelated to changes in investment costs. Changes in capital structure can have a particularly important effect. When we included reported interest costs in a trail SFFL calculation during mid-1980, the escalations decreased, despite the widely held assumption that the cost of capital had increased since October 1979. Congress' use of the term "operating cost", with full knowledge of the existing regulatory definition, suggests to us that it did not intend that the capital cost measurement problem become an SFFL problem as well. Also, we have considered changes in capital costs on a judgmental basis in our fare flexibility policies.

Notwithstanding these considerations, the Board would consider adding an interest cost component into the SFFL calculations if it were shown that this was necessary and workable. The public is also invited to comment specifically on whether explicit recognition of interest costs would comport with the statutory definition.

To some extent, carrier investment is recouped through depreciation accruals. The depreciation expense represented in the SFFL is reported on the carriers' financial reports. This account represents "book depreciation" or any method acceptable to the U.S. Internal Revenue Service. Because our SFFL methodology measures cost changes, rather than absolute levels of cost, our primary concern is that depreciation be treated consistently over time, rather than in the merits of particular depreciation methods.

We do recognize, however, that no accounting treatment of depreciation is likely to portray fully depreciation as it would be defined by an economist, especially during periods of substantial inflation and technological change. Changes in the relationship between book depreciation and economic depreciation are, at best, difficult to quantify. While an enlightened fare policy should reflect such changes to some extent, it appears that the best place to do so may lie in the area of fare flexibility. Moreover, to a substantial extent, the problems of depreciation measurement and capital costs, discussed below, are linked both theoretically and practically. Depreciation reserves which do not accurately reflect costs of acquiring replacement capacity distort capital costs. While we must presume, with Congress, that the October 1, 1979 SFFL base reflects these considerations, we would be interested in comments on practical ways to reduce our dependence on historical depreciation figures. It should be recognized, however, that the well developed and highly efficient used aircraft market frequently allows carriers to sell used aircraft at prices well above book value. This reduces the cost of capital and any suggestion as to revising the methodology should certainly account for this.

IV. Property and Mail Offset

As noted above, property and mail revenues are offset in SFFL against total operating expense. Essentially, this "revenue offset" method assumes that no profit is made on these services. As long as the profitability of cargo and mail services remains relatively

⁸ In the revenue offset method, cargo, mail, and charter costs are assumed to be equal to the revenues reported for these services. These and certain other miscellaneous cost items are then subtracted from total costs. See *Cost Methodology—Version 6 Updated, Civil Aeronautics Board (February 1980)*.

⁹ Section 1002(j)(9) of the Act.

constant, this method is quite accurate: the base and comparison periods, if distorted at all, will be affected in an offsetting manner. On the other hand, a substantial change in profitability could lead to a small under- or over-statement of passenger cost escalation.

We specifically request comments on:

1. The desirability of the revenue offset method as opposed to the refined joint costing method for passenger and cargo costs.

2. Whether the involved carriers could simply report their property and mail expenses, including depreciation, separately.

3. Whether the necessary change in reporting requirements which would be necessary for separate data would be cost effective.

It should be noted that the Board, in PSDR-65, 45 FR 3595, January 18, 1980, proposed to establish a Standard Foreign Rate Level (SFRL) that would permit international cargo rates to be adjusted up or down within a specified zone reflecting the carriers' reported cargo operating costs.

V. Trans-border Operations

Applying the SFFL to fares to and from Canada and Mexico has been particularly difficult. Indeed, the carriers report costs on U.S.-Canada operations as part of the U.S. entity and these costs are not reflected at all in the SFFL calculations. Local service carriers and United Air Lines report U.S.-Mexico costs as part of the U.S. entity, while trunk carriers in general report them together with Latin-American operations. Also, operations to and from Mexico are more heavily dominated by domestic U.S. costs than Latin American operations in general. As a result, trans-border fares have frequently been analyzed using the Standard Industry Fare Level (SIFL), though it is clearly the SFFL that delineates the Board's jurisdiction. The problem could become acute as the Board's domestic rate authority terminates in 1982, after which there will likely be no SIFL.

One solution would be to create new ratemaking entities. These might be justified, notwithstanding the additional reporting burden on carriers, given the large amount of trans-border traffic. Alternatively, we might continue to use the Latin America SFFL for jurisdictional purposes and determine a fare flexibility policy using cost studies of trans-border operations prepared specifically by carriers for our review.

The public is invited to comment on these possibilities and any other solutions that appear workable, with particular emphasis on the costs and

benefits of creating separate ratemaking entities for Canada and Mexico.

VI. Foreign Air Carriers

The Board's staff has met informally with a number of foreign air carriers and IATA to discuss whether and how the costs of foreign flag carriers could be reflected in the SFFL. The statute permits us to consider such costs to the extent feasible and reasonable. The principal problems have been: (1) many foreign flag carriers do not wish to report their costs in the detail required for the SFFL calculations; (2) foreign flag carriers report in diverse formats, of which many are not compatible with the CAB Form 41 on which the SFFL is based; (3) the waiting periods required for foreign flag carriers' reports would substantially delay SFFL calculations; (4) foreign flag carriers' reports are rarely verifiable; and (5) the ubiquitous problem of foreign currency fluctuations against the dollar and allegations that hidden government subsidies lie within some carrier reports could provide endless complications. We list these problems not to say they are insurmountable but to demonstrate the substantial challenge posed in incorporating non-U.S. carrier costs in the SFFL system. Perhaps in the exercise of their own sovereign powers, foreign governmental bodies or agencies (in Europe or elsewhere) could collect, validate, and provide such data which could then provide the basis for an even more comprehensive measurement of cost changes. We are prepared to consider any workable options and we remain open to a demonstration that foreign flag costs can be reflected within the SFFL system.

It should also be noted that the U.S. has negotiated, or is in the process of negotiating, new bilateral arrangements with several countries which refer explicitly to the SFFL. We invite the participation of foreign air carriers in this proceeding, and particularly carriers who are operating under such bilaterals. We wish to make it clear that this proceeding is not intended to serve as a means for unilaterally changing the meaning of bilateral agreements having pricing arrangements tied to SFFL. To ensure there is no misunderstanding on this score, any changes in SFFL methodology adopted in this proceeding will not be applied in the case of such bilaterals without the consent of the governments involved or except in accordance with procedures set forth in the pertinent agreements.

(Secs. 101, 102, 105, 204, 401, 402, 403, 404, 405, 407, 408, 409, 411, 412, 414, 416, 801, 1001, 1002, 1102, 1104, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 767,

768, 769, 770, 771, 782, 788, 797, 92 Stat. 1708; 49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1377, 1378, 1379, 1381, 1382, 1384, 1386, 1461, 1481, 1482, 1502, 1504)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-16281 Filed 5-29-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 13-81-03]

Lake Washington, Washington; Establishment of Area of Controlled Navigation

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: 1. This notice proposes promulgating a regulation establishing an area of controlled navigation in Lake Washington, WA.

2. The proposed regulation will be in effect from 5 August until 9 August 1981. Promulgation of the proposed regulation is required to ensure the safety of the spectators and the participants during an approved marine event.

3. The proposed regulation is intended to provide authority to the Coast Guard to control navigation in the designated area.

DATE: Comments must be received on or before June 22, 1981.

ADDRESSES: Comments should be mailed to Commander(bb), Thirteenth Coast Guard District, 915 Second Ave., Seattle, WA 98174. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: LCDR R. B. Millson, Boating Safety Office, (206) 442-7355.

SUPPLEMENTARY INFORMATION:

4. Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice and the specific section of this notice to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

5. The proposed regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken.

on this proposal. No public hearing is planned.

Drafting Information

The principal persons involved in the drafting of this notice were LCDR Millson, Project Officer and Lt Pecos Bill Field, Project Attorney.

Discussion of Proposed Rule

6. Each year SEAFAIR INC., a non-profit corporation, sponsors an unlimited hydroplane regatta on the waters of Lake Washington. This year, the organization is sponsoring the Sea-Galley, APBA Gold Cup Race.

7. The event draws several thousand spectators to the beaches and waters surrounding the Lake Washington race course. A large number of these spectators view the event from over one thousand pleasure craft which anchor around the race course. To ensure the safety of both the spectators and the participants, a special navigational regulation is required. This proposed regulation provides the authority for Coast Guard personnel to control general navigation in the area surrounding the race course, during the event.

8. This proposed regulation will involve minimal costs and will have insignificant impact on recreational and commercial traffic in Lake Washington. This follows from the fact that the regulation affects a small area of Lake Washington and will be in effect for a minimal period of time. As a result, it is not considered a major rule under the terms of Executive Order 12991.

9. For the reasons stated in paragraph 8, the District Commander certifies that the proposed regulation will have an insignificant economic impact on small entities.

10. For the reasons stated in paragraph 8, this proposed regulation is considered to be nonsignificant under the guidelines DOT ORDER 2100.5 dated May 5, 1980. Consequently, an economic evaluation has not been conducted.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations, by adding the following new § 100.35a:

A. From 5 August to 8 August 1981, this regulation will be in effect from 0800 until 1700 Pacific Daylight Time. On 9 August 1981, this regulation will be in effect from 0800 until one hour after the conclusion of the last race.

B. The specific area restricted to general navigation by this regulation during the hours it is in effect is:

(1) The waters of Lake Washington bounded by the Mercer Island (Lacey V.

Murrow) Bridge, the western shore of Lake Washington, and east/west line drawn tangent to Bailey Peninsula and along the shoreline of Mercer Island.

C. The area described in paragraph B has been divided in two zones. The zones are separated by a log boom and a line from the southeast corner of the boom to the northeast tip of Bailey Peninsula. The western zone is designated Zone I, the eastern zone Zone II. refer to chart 18447.

D. The Coast Guard patrol of the area described in paragraph B will be under the direction of the Patrol Commander. He is empowered to control the movement of vessels on the race course and in the adjoining waters during the periods this regulation is in effect.

E. Only authorized vessels shall be allowed to enter Zone I during the hours this regulation is in effect. Vessels in the vicinity of Zone I shall maneuver and anchor as directed by Coast Guard Officers or Petty Officers.

F. During the times in which this regulation is in effect, swimming, wading, or otherwise entering the water by any person is prohibited.

G. Vessels proceeding in either Zone I or Zone II during the hours this regulation is in effect shall do so only at speeds which will create minimum wake. In any event, vessels may not exceed seven (07) miles per hour. This maximum speed may be reduced at the discretion of the Patrol Commander.

H. Upon completion of the daily racing activities, all vessels leaving either Zone I or Zone II shall proceed at speeds less than seven (07) miles per hour. This maximum speed may be reduced at the discretion of the Patrol Commander.

I. A succession of sharp, short signals by whistle or horn from vessels patrolling the area described in Paragraph B under the direction of the Patrol Commander will be a signal to stop. Vessels signaled shall immediately stop and comply with the orders issued by the Coast Guard personnel aboard the patrol vessel.

(Sec. 1, 35 Stat. 69, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 454, 49 U.S.C. 1655(b)(1); 33 CFR Part 100.35; 49 CFR 1.46(b))

Dated: May 27, 1981.

C. E. Larkin,

Rear Admiral, U.S. Coast Guard Commander,
13th Coast Guard District.

[FR Doc. 81-10280 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-1829-7]

Approval and Promulgation of Implementation Plans; Massachusetts

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On September 16, 1980 (45 FR 61303) the Environmental Protection Agency (EPA) conditionally approved revisions to the Massachusetts State Implementation Plan (SIP), which were submitted to EPA to meet the requirements of Part D and certain other sections of the Clean Air Act, as amended (the Act). At the time, EPA withheld final action on the commitment to public transportation and the demonstration of Reasonable Further Progress (RFP) in the Boston region. No action was taken on the commitment to public transportation because the Massachusetts Bay Transit Authority (MBTA) had recently instituted a fare increase which was in conflict with the commitment proposed for approval on March 7, 1980 (45 FR 14886) to maintain the fare structure at 1978 levels. Additionally, no action was taken on the RFP demonstration for the Boston urban area because the fare increase has the potential to shift transit riders to automobiles which could increase projections of future emissions and thus necessitate changes in the RFP demonstration.

On February 18, 1981, the Boston Metropolitan Planning Organization (MPO) submitted to the Department of Environmental Quality Engineering (DEQE) a change in language in the Boston Transportation Element of the SIP (TESIP) to make the commitment to public transportation consistent with the MBTA's current practices and policies. Supporting information showed that system ridership initially decreased, but that within several months exceeded the levels prior to the fare increase and therefore that no change in the RFP demonstration was required. The MPO also submitted commitments to several measures undertaken in the Boston region to offset any possible reductions in the long-term ridership growth rate.

The DEQE has proposed adoption of this submittal in the Massachusetts SIP through their revisions procedures and will be holding public hearings on May 8, 1981. Concurrently, EPA is proposing to approve the commitment to public transportation contingent upon adoption

by DEQE of the proposed amendments, and to approve the RFP demonstration for the Boston area previously submitted by DEQE on December 31, 1978, May 16, 1979, and September 19, 1979. This concurrent review, which EPA refers to as "parallel processing", is designed to reduce the time necessary for EPA review of SIP revisions and is being used on a trial basis by Region I.

DATES: Comments should be submitted to Harley F. Laing at the address below on or before July 1, 1981.

ADDRESSES: Copies of the State's submission are available for inspection at the following addresses: Environmental Protection Agency, Region I, Air Branch, Room 1903, J.F.K. Federal Building, Boston, MA 02203; Division of Air Quality Control, One Winter Street, Boston, MA 02110; and Public Information Reference Unit, EPA, 401 M Street S.W., Washington, D.C. 20460.

Comments should be submitted to Harley F. Laing, Chief, Air Branch, Environmental Protection Agency, Region I, Air Branch, Room 1903, JFK Federal Building, Boston, MA 02203, (617) 223-5630.

FOR FURTHER INFORMATION CONTACT: John L. Hanisch, Chief, Mobile Source Emissions Section, Environmental Protection Agency, Region I, J.F.K. Federal Building, Room 1903, Boston, MA 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: On September 16, 1980 (45 FR 61303) EPA conditionally approved revisions to the Massachusetts SIP to attain and maintain National Ambient Air Quality Standards for ozone and carbon monoxide which were submitted to EPA to meet in part the requirements of Part D of the Act. At the request of the DEQE, EPA took no action on the commitment to public transportation in the Boston TESIP required by Sections 110 (a)(3)(D) and 172 (b)(2) of the Act and took no action on the demonstration of RFP for attaining ozone standards in the Boston urban area as required by Section 172(b)(3) of the Act of all non-attainment areas. DEQE made this request because the MBTA had instituted a fare increase effective June 30, 1980 which conflicted with a commitment made in the Boston TESIP to maintain aggregate MBTA fares at the 1978 level. The MBTA fare increase went into effect during the public comment period for EPA's proposed rulemaking. The effect of this change in MBTA policy could not be adequately assessed prior to final rulemaking, the therefore EPA agreed to DEQE's request to take no final action. Since the fare increase had the potential to divert public transportation riders to

automobiles, and thus increase hydrocarbon emission estimates for future years, EPA also took no action on the demonstration of RFP for the Boston urban area pending a review of the relationship between fares and future emissions, and any necessary adjustments to the RFP calculation.

By letter, dated February 18, 1981, the Boston Metropolitan Planning Organization (MPO) submitted proposed amendments to the Boston TESIP to the Massachusetts DEQE. The amendments were endorsed on September 2, 1980 by the Boston MPO. The amended Boston TESIP states that "the MBTA recognizes the effect that fare levels have on ridership and therefore air quality, but also recognizes existing fiscal constraints at the local level. The MBTA must strike a balance between maintaining and increasing current service levels and not unrealistically increasing the funding of the net cost of services provided by taxpayers * * * changes in fares shall be made only after there have been opportunities for public involvement and adequate consideration of environmental impacts."

In support of the amendment, the MPO submitted data comparing ridership both before and after the fare increase was instituted. The analysis shows that immediately following the fare increase on June 30, 1980, ridership was down on both the basic system and commuter rail lines, but that by October 1980, ridership had rebounded and was greater than that for corresponding periods in 1979. The MPO data also indicated that these ridership levels exceeded the base year, 1978, ridership level as well.

Additionally, the MPO submitted, for inclusion in the Boston TESIP, several air quality improving measures undertaken by the state in the last year. The measures are intended to offset any possible reductions in the long-term growth rate of transit ridership which were felt to be small and immeasurable. Specifically, the measures submitted were a Toll Incentive Program for Carpools on the Massachusetts Turnpike, Insurance Discounts for Transit Passholders and Caravan Vanpoolers, and a change in the gasoline tax structure from a fixed amount to 10% of the wholesale price.

EPA's review of the material indicates that these proposed revisions to the Massachusetts SIP are approvable if they are not substantially changed by the State after the forthcoming state hearing and public comment period. In the interest of shortening the federal review period, EPA is proposing approval of these changes now, before

the completion of the state public review period, and thus before final submittal of the revision to EPA. EPA refers to this new procedure as "parallel processing". If the proposed revisions are substantially altered during the public review period, EPA will reevaluate them and publish a revised notice of proposed rulemaking. If, based on the state and federal public comments, it is determined that no substantial revisions are required, EPA will issue a final rulemaking on the submittal. Parallel processing is estimated to reduce the time necessary for final approval of SIP revisions by 3 to 4 months on the average.

Proposed Action: Contingent upon adoption of amendments to the Boston TESIP as discussed above by the Massachusetts DEQE, EPA is proposing approval of:

1. The Boston region's commitments to public transportation. These commitments are presented in revisions to the Massachusetts SIP submitted to EPA on December 31, 1978, May 16, 1979 and September 19, 1979, as amended by MPO endorsement on September 2, 1980.

2. The demonstration of RFP toward attainment of ozone standards in the Boston urban area as presented in the September 9, 1979 revisions to the Massachusetts SIP.

3. The Massachusetts Turnpike Carpool Incentive Program; Insurance Discounts for Transit Passholders and Caravan Vanpoolers; and the Percentage State Gasoline Tax as described in amendments to the Boston TESIP submitted by the MPO to DEQE on February 18, 1981.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because this action only approves state action and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities, 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27, 1981 certification. The action only approves state actions. If imposes no new requirements. Moreover, due to the nature of the

Federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

(Sections 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Dated: April 17, 1981.

Leslie A. Carothers,

Acting Regional Administrator.

[FR Doc. 81-16311 Filed 5-29-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-5-FRL-1828-6]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations: Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to change the attainment status for portions of La Crosse County, Wisconsin from secondary nonattainment for total suspended particulates (TSP) to attainment, thus making all of La Crosse County attainment for TSP. This proposed change is based on a request from the State of Wisconsin to redesignate La Crosse County. Under the Clean Air Act, designations can be changed if sufficient data is available to warrant such change.

This proposal discusses EPA's evaluation of the additional monitoring data now available and invites public comments on EPA's proposed action.

DATE: Comments must be submitted, in triplicate if possible, by no later than July 1, 1981.

ADDRESSES: Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the redesignation request, technical support documents, and the supporting air quality data are available for copying and inspection during normal business hours at the Region V address given above and at the Public Information Reference Unit address given below. A telephone call to Region V is recommended prior to your visit. A reasonable fee will be charged for copying. Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 20460.

Copies of the supporting material are also available at: Wisconsin Department of Natural Resources, Bureau of Air

Management, 101 South Webster, Madison, Wisconsin, 53707.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6088.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added section, 107(d), which directed each State to determine the National Ambient Air Quality Standards (NAAQS) attainment status of each air quality control region within the State, and to submit to the Administrator of EPA a list of nonattainment areas. The Administrator was required to promulgate the State lists, with any necessary modifications. The Administrator published these lists in the Federal Register on March 3, 1978 (43 FR 8962), and made necessary amendments in the Federal Register on October 5, 1978 (43 FR 45993).

According to Section 107(d) of the Act, the designation for an area may be changed whenever sufficient data exists to warrant such a change. In the June 12, 1979 memo entitled "Section 107 Redesignation Criteria," Richard G. Rhoads, the Director of USEPA's Control Program Development Division, described EPA's requirements for approval of a change in an area's designation. A change from primary nonattainment to either secondary nonattainment or attainment in an area's nonattainment designation may be approved if there are eight consecutive quarters of recent ambient air quality data which show no violations of the appropriate NAAQS.

On March 3, 1978, EPA designated the following area of La Crosse County as nonattainment for the secondary TSP NAAQS: Sub-city area defined as follows: *North:* Corner of La Crosse St. and Second Ave., East on La Crosse St. to 10th Street. *West:* Corner of Second St. and Main St. to La Crosse St. *South:* Corner 10th St. and Main St., West to Second Street. *East:* Corner of 10th St. South to Main Street. The remainder of La Crosse County was designated as attainment for TSP.

The nonattainment designation was based upon air quality monitoring data collected during 1975, 1976, and the first half of 1977. The Sawyer Auditorium monitoring site, located in downtown La Crosse, recorded one violation of the short-term secondary standard in 1975 and three in 1976. One of the exceedances recorded at the site was discounted because it occurred on a statewide TSP episode day (i.e., a day when TSP levels were high throughout

the state due to windstorms and blowing dust). Additionally the Cowley Hall monitor recorded one violation of the short-term secondary TSP standard in 1975 and none thereafter. Although it now appears that the violations were caused by a combination of construction activity near the monitor and unusually dry weather, the area was designated nonattainment based on the 1975 and 1976 violations. (A violation of the secondary TSP NAAQS occurs when the maximum 24-hour concentration exceeds $150 \mu\text{m}^3$ more than once in a calendar year.)

On July 15, 1980, the State of Wisconsin submitted a request to EPA in accordance with section 107(d)(5) of the Clean Air Act, to redesignate La Crosse County as attainment for TSP. In support of this request the state submitted 1977, 1978 and 1979 quality assured air quality data from the Sawyer Auditorium and the Cowley Hall monitoring sites, which are the only two hi-vol samplers permanently stationed in La Crosse which have been collecting data for several years. The July 15, 1980 submittal contained 11 consecutive quarters of quality assured monitoring data showing no violations (through the third quarter of 1979) for the La Crosse County nonattainment area. Although one exceedance of the short-term secondary standard was recorded in June 1978 at the Cowley Hall monitor and one exceedance in April 1977 and one in June 1978 at the Sawyer Auditorium monitor, no violations of the TSP standards have been recorded at either site since 1976.

Therefore, since eleven quarters of recent monitoring data are available which show no violations of the TSP NAAQS and since only eight quarters of data are necessary to change an area's nonattainment designation, EPA today proposes to change the attainment status for portions of La Crosse County, Wisconsin from secondary nonattainment for TSP to attainment, thus making all of La Crosse County attainment for TSP.

All interested persons are invited to submit written comments on the proposed redesignation. Written comments received by the date specified above will be considered in determining whether EPA will approve the redesignation. After review of all comments submitted the Administrator of EPA will publish in the Federal Register the Agency's final action on the redesignation.

Pursuant to Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and therefore subject to the requirement of preparing a

regulatory impact analysis. Today's action does not constitute a major regulation because it only changes an area's air quality designation, it does not impose any new regulatory requirements. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified (46 FR 8709) that the attached rule will not, if promulgated, have a significant impact on a substantial number of small entities. This action does not impose any new regulatory requirements but merely changes an area air quality designation to attainment.

(Section 107 of the Clean Air Act, as amended)

Dated: May 7, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-16201 Filed 5-29-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 123

[SW-8-FRL-1841-5]

Kansas Application for Interim Authorization, Phase I, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period extension.

SUMMARY: This notice extends the public comment period on the Kansas Phase I interim authorization application to July 3, 1981. A previous *Federal Register* notice dated May 4, 1981 (45 FR 124968) announced the availability of the Kansas interim authorization application for public review, invited public comment by June 3, 1981, and gave notice of a June 3, 1981, public hearing. Today the Environmental Protection Agency (EPA) is announcing that the public comment period has been extended 30 days to allow review of minor revisions to the Kansas interim authorization application and to allow the opportunity for submittal of written comments to EPA. Since the State's submission has not materially changed, recommencement of the formal review period was determined unnecessary.

DATE: Comments on the Kansas interim authorization application must be received by July 3, 1981.

ADDRESSES: Copies of the Kansas interim authorization application, including minor revisions, are available during business hours at the following

locations for inspection and copying by the public:

Kansas Department of Health and Environment, Bureau of Environmental Sanitation, Forbes Field, Topeka, Kansas 66620, 913/862-9360 Ext. 297, Business Hours: 8:00-4:30, \$0.25 per page copying charge;

U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106, 816/374-6533, Business Hours: 7:30-4:30, \$0.20 per page copying charge;

U.S. Environmental Protection Agency, Office of Solid Waste, 401 M Street, S.W., Washington, D.C. 20460, 202/382-2210, Business Hours: 7:30-4:30; Send written comments to: Robert L. Morby, U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Robert L. Morby (816) 374-3307.

Dated: May 20, 1981.

William W. Rice,

Acting Regional Administrator.

[FR Doc. 81-16305 Filed 5-29-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 55

Federal Crime Insurance Program; Depopulation of FAIR Plans

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Notice of withdrawal of proposed rulemaking

SUMMARY: On July 28, 1980, a proposed rule was published (45 FR 49960) by the Federal Insurance Administration (FIA) which would have established a plan to assist those FAIR Plan insureds who are insurable in the voluntary market to secure such coverage, and to revise the regulatory operation of Statewide FAIR Plans under the Urban Property Protection and Reinsurance Act of 1968, to require each FAIR Plan to develop and implement a depopulation program. FIA has evaluated the comments received from the industry and state regulatory administrations and concluded that it would be unnecessary to require the proposed regulatory revision to become effective in final form because the insurance industry and the states are prepared to address the problem as presented. Thus, FIA withdraws the proposed rule.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert DeHenzel, Federal Insurance Administration, Washington, D.C. 20472, (202) 755-6555.

SUPPLEMENTARY INFORMATION: An evaluation of the comments received from the insurance industry and the states clearly reflected that the proposed regulatory revision was unneeded at this time because the States and the insurance industry are prepared to accomplish the goals of the revision. FIA has concluded that the preferable approach is for the states and the industry to take the lead and develop these goals on their own. This conclusion is consistent with the Administrator's policy of allowing states to act when it is their interest to do so without Federal involvement. In consideration of the foregoing the proposed rule (45 FR 49960) published in the *Federal Register* on July 28, 1980 is hereby withdrawn.

Issued: May 19, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16198 Filed 5-29-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 61

[Docket No. FEMA-FIA]

Insurance Coverage and Rates; National Flood Insurance Program Emergency Phase

AGENCY: Federal Insurance Administration (FIA), FEMA.

ACTION: Proposed rule.

SUMMARY: The Federal Emergency Management Agency proposes to increase the chargeable rates for all structures located in communities participating in the emergency phase of the National Flood Insurance Program.

DATE: All comments received on or before July 31, 1981, will be considered before final action is taken on the proposed rule.

ADDRESS: Person who wish to comment should submit comments in duplicate to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Mr. H. Joseph Coughlin, Jr., Acting Assistant Administrator, Office of Insurance Operations, Federal Insurance Administration, Federal Emergency Management Agency, 451 7th Street, SW., Room 5126, Washington, D.C. 20472, Telephone Number (202) 755-6580.

SUPPLEMENTARY INFORMATION: Section 1308 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), separated the flood insurance ratemaking process for the National Flood Insurance Program (NFIP) into two distinct categories. These are (1) estimated risk premium or "actuarial" rates and (2) chargeable rates which under certain statutory conditions could be less than estimated risk premium rates. The chargeable or "subsidized" rates currently in use are set forth in Section 61.9 of the National Flood Insurance Program regulations (44 CFR 59 et seq.).

These subsidized rates are countrywide rates for broad building type classifications which, when applied to the amount of insurance purchased and added to the expense constant, produce a premium income somewhat less than the expense and loss payments incurred on the flood insurance policies issued on that basis. The funds needed to supplement the inadequate premium income are provided by the National Flood Insurance Fund. The subsidized rates are promulgated by the Administrator for use under the Emergency Program (added to the NFIP by Congress in Section 408 of the Housing and Urban Development Act of 1969) and for the use in the Regular Program on construction or substantial improvement started on or before December 31, 1974 (this additional grandfathering was added to the NFIP by Congress in Section 103 of the Flood Disaster Protection Act of 1973) or the effective date of the initial Flood Insurance Rate Map (FIRM), whichever is later. The level of these rates in recent years has resulted in an average annual insurance premium of \$86 per policy paid by policyholders and an average premium subsidy of about \$125 per policy borrowed from the Treasury of the United States.

The statutory mandate to establish reasonable chargeable rates requires that the Federal Insurance Administrator balance the need to provide reasonable rates to encourage potential insureds to purchase flood insurance with the requirement that the NFIP be a flexible program which minimizes costs and distributes burdens equitably among those who will be protected by flood insurance and the general public. The Federal Insurance Administration (FIA) has examined the current chargeable rates and the amount of subsidy required to supplement the inadequate premium income derived from insurance policies to which these rates apply. Based on this examination, FIA has determined that the general

public now bears too great a share of the burden for subsidized insurance rates. In addition, FIA has determined that it is necessary to take action to bring the National Flood Insurance Program closer to a self-supporting basis and create a sounder financial basis for the Program. Therefore, to meet these needs FIA proposes to increase the chargeable or subsidized rates as follows:

Type of Structure	Rate per year per \$100 coverage on	
	Structure	Contents
(1) Residential	\$0.40	\$0.50
(2) All other (including hotels and motels with normal occupancy of less than 6 months in duration)	.50	1.00

For comparison, the current subsidized rates are as follows:

Type of Structure	Rate per year per \$100 coverage on	
	Structure	Contents
(1) Residential	\$0.25	\$0.35
(2) All other (including hotels and motels with normal occupancy of less than 6 months in duration)	.40	.75

The need for these increases has been balanced with the statutory requirement that the chargeable rates be consistent with the objective of making flood insurance available where necessary at reasonable rates so as to encourage prospective insureds to purchase flood insurance. Although policyholder will be required to pay more for flood insurance coverage for all existing structures and for new structures in emergency program communities, FIA has determined that policies purchased or renewed, to which the new rates are applicable, will be reasonable as required by statute.

In the history of the NFIP, FIA has never increased these chargeable rates. In 1972, action was taken to lower the chargeable rates. These reduced rates were scaled in the same manner as the pre-1972 rates according to the value of the structure and the contents. In 1974, the sliding scale was eliminated. Flat rates were established for building type classifications and contents. The 1972 rate decreases were enacted to encourage prospective insureds to purchase flood insurance. At that time, however, FIA had little experience on which to base a statistical analysis of the expense and loss incurred by the Program. Now more adequate information is available for determining the amount of subsidy required to supplement the chargeable rates.

Without an increase in chargeable rates, the subsidy required to operate the NFIP will continue to increase. The amount of the proposed rate increases represents a balance between the need for decreasing the federal subsidy required for the Program thus more equitably distributing the burdens and the requirement that chargeable rates be reasonable.

Section 1308 of the National Flood Insurance Act of 1968, as amended, requires that FIA shall prescribe by regulation chargeable rates after consultation with representatives of the insurance industry, State and local government, lending institutions, the homebuilding industry and the general public. The rates proposed in this rule are the same subsidized rates (without a sliding scale) which were in effect prior to the 1972 rate decreases. These rates were established by regulation in 1969 at which time adequate consultation as required by the 1968 Act was accomplished. Therefore, FIA has determined that the comment period provided for this proposed rule will be adequate for any additional comments to be made on the proposed rates and their effects.

FIA proposes that the increased chargeable rates go into effect on October 1, 1981. This delayed effective date is for the purpose of minimizing the financial burden on policyholders. Effective January 1, 1981, an expense constant is required for policies rated at chargeable rates as well as policies rated at actuarial rates. The October 1, 1981 effective date will eliminate most policyholders having to absorb at the same renewal date both the added expense constant and the chargeable rate increases since the majority of renewals are concentrated in the months preceding October.

FEMA has determined based upon an Environmental Assessment that this proposed rule does not have significant impact upon the quality of the human environment. A finding of no significant impact is included in the formal docket file and is available for public inspection and copying at the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Room 802, 1725 Eye Street, N.W., Washington, D.C. 20472.

Accordingly, Part 61 of Subchapter B of Chapter 1 of Title 44 is proposed to be amended as follows.

Section 61.9 is revised to read as follows:

§ 61.9 Establishment of chargeable rates.

(a) Pursuant to section 1308 of the Act, chargeable rates per year per \$100 of

flood insurance are established as follows for all areas designated by the Administrator under Part 64 of this subchapter for the offering of flood insurance:

Rates for New and Renewal Policies

Type of structure	Rate per year per \$100 coverage on	
	Structure	Contents
(1) Residential	\$0.40	\$0.50
(2) All other (including hotels and motels with normal occupancy of less than 6 months in duration)	.50	1.00

(b) The contents rate shall be based upon the use of the individual premises for which contents coverage is purchased.

(42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. 329) and Executive Order 12127 (44 FR 19367))

(Catalog of Federal Domestic Assistance Number 83.100 National Flood Insurance Program)

Issued: February 12, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16300 Filed 5-29-81; 8:45 am]

BILLING CODE 6719-01-M

44 CFR Part 300

[Docket No. FEMA-PP-300A]

Disaster Preparedness Assistance

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: The Federal Emergency Management Administration (FEMA) is amending its disaster preparedness assistance regulations to add procedures by which financial assistance will be provided to eligible applicants in priority areas for the development of preparedness plans for severe earthquakes or hurricanes in high-risk, high-population areas.

DATE: Comments should be submitted on or before July 31, 1981.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Bud Andress, Preparedness Development Division, Plans and Preparedness, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 566-0805.

SUPPLEMENTARY INFORMATION: The original Earthquake and Hurricane Loss Study and Contingency Planning

Program was developed in response to the need for effective predisaster planning for a major earthquake or hurricane in a high-risk, high-population area. The loss study determines the casualty and damage potential from feasible catastrophic events. Special emphasis is placed on estimating damage critical to disaster relief and recovery measures. The data from the loss study provide the Federal Government and the appropriate State and local governments with a planning basis for unique or special disaster mitigation, relief, and recovery operations in the identified area.

This program was initiated in the early 1970's under the former Office of Emergency Preparedness (OEP). Four earthquake loss studies were done for OEP and its successor Federal Disaster Assistance Administration (FDAA): two by the National Oceanic and Atmospheric Administration (NOAA)—of the San Francisco Bay and Los Angeles areas—and two by the U.S. Geological Survey—of the Puget Sound and Salt Lake City areas. Subsequent contingency planning was initiated at the Federal level by the appropriate OEP-FDAA Regional Offices and at the State and local levels by California and Utah with the help of Disaster Preparedness Grants under the Disaster Relief Acts of 1970 (Pub. L. 91-606) and 1974 (Pub. L. 93-288). Other seismic risk areas identified for earthquake loss studies and planning were Anchorage, Honolulu, Boston, Charlestown (SC), Upper New York State (Buffalo-Rochester-St. Lawrence Seaway), and the central Mississippi Valley (parts of seven States). Nine primary hurricane-risk areas were identified for the program, but no studies were initiated at that time. Ten other hurricane-risk areas were later added to the potential study list.

The program, inactive for a few years in the mid-1970's because of budget restraints, was revived by FDAA and its successor Federal Emergency Management Agency (FEMA), after Congressional passage and Presidential implementation of the Earthquake Hazards Reduction Act of 1977, as part of the National Earthquake Hazards Reduction Program. Earthquake loss study contracts were let in FY 1979 with Alaska and Hawaii. In FY 1980, FEMA Region I awarded a prototype grant to Massachusetts for an earthquake loss study of the greater Boston area, Region VII contracted for a preliminary study of the central Mississippi Valley seismic risk area, and Region IX entered into a cooperative agreement with California

for intensified planning for an earthquake in the Los Angeles area.

The Earthquake and Hurricane Plans and Preparedness Program is authorized under section 201(a) and 201(b) of the Disaster Relief Act of 1974. The earthquake portion is further supported by the Earthquake Hazards Reduction Act, as amended. With full-scale implementation of the program, regulations are now needed to codify applicable procedures for FY 1981 and subsequent years. These procedures will govern the program until publication of the final rule.

Interested parties and government agencies are encouraged to submit written comments, suggestions, data, or arguments regarding this rulemaking to the Rules and Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472. All submissions received on or before July 31, 1981 will be evaluated. All comments will be available for inspection at the Office of the Rules Docket Clerk. FEMA will evaluate all such comments and experiences to date and will then prepare a final rule for publication in the Federal Register.

The rule is not a major rule under provisions of Executive Order 12291 nor will it, if promulgated, have a significant impact on a substantial number of small entities since it deals with states.

The rule also conforms to the criteria established for categorical exclusion with respect to environmental documents (see part 10 of this title).

Accordingly, it is proposed to add a new § 300.6 to Subchapter E, Part 300 of Chapter I, Title 44, as follows:

PART 300—DISASTER PREPAREDNESS ASSISTANCE

§ 300.6 Earthquake and hurricane plans and preparedness.

(a) The objective of the program is to prepare special or additional plans and capabilities, at all levels of government for integrated response to the threat or consequences of severe earthquakes or hurricanes in certain high-risk, high-population areas, to the extent regular emergency preparedness measures are insufficient for these contingencies.

(b) The program is normally funded by project grants. When appropriate, certain projects may be financed through cooperative agreements or contracts, pursuant to the definitions set forth in 41 CFR 49-1.50.

(c) Funding may cover all or any part of the cost of the project. Normally contingency planning will follow, and be based upon a loss study. The loss study

may address such earthquake-related or hurricane-related activities as determination and definition of the hazard area, identification of seismic or storm-surge risks, estimation of casualties and structural damage, and postulated impact on essential operations, population, and resources. Contingency planning efforts may include developing or improving unique, special or extraordinary protective, relief, and recovery measures. Consideration will be given to studies or planning for earthquake or hurricane caused catastrophes such as volcanic eruptions, landslides, dam ruptures, flooding, subsidence or hazardous-materials releases. Grants for the loss study and for contingency planning may be awarded separately or combined.

(d) Grants are awarded on the basis of a proposed and acceptable work plan and the vulnerability of the area to earthquakes, hurricanes, or related phenomena. Priority is given to high-risk, high-population areas as determined by FEMA on the basis of existing data and expert consultation. Other considerations include the collective interest of the affected jurisdictions in implementing the study and planning the resources available to FEMA for monitoring and assisting the projects. Accordingly:

(1) The following priority earthquake areas are identified: San Francisco, Los Angeles, Puget Sound, Salt Lake City, Anchorage, Honolulu, Boston, Charleston (SC), central Mississippi Valley, and Upper New York State (studies or plans for some of which have already been funded).

(2) Priority hurricane areas are identified as, primarily, Corpus Christi, Galveston-Houston, New Orleans, Tampa Bay, Miami-Miami Beach, Savannah, Charleston (SC), Chesapeake Bay, and Long Island and secondarily, Matagorda (TX), Sabine Lake (TX-LA), Mobile, the Florida Keys, Lake Okeechobee, Pamlico Sound, Delaware Bay, Providence, Buzzards Bay/Cape Cod, and Boston.

(3) Notwithstanding subparagraphs (1) and (2) above, consideration will be given to grant requests for other areas.

(e) State or local governments serving highly populated localities designated as highly vulnerable to earthquake or hurricanes are eligible. The grant (or a cooperative agreement, if more appropriate) would usually be to a State—as defined by the Disaster Relief Act of 1974—but could be to a substate jurisdiction or an interstate consortium. FEMA may, if it determines appropriate, range for a loss study to be performed under a procurement contract or an interagency agreement.

(f) Grants are discretionary and thus must be approved by the Director or the Director's designee (the Director of Finance and Administration) or, upon delegation of approval authority, by the Regional Director. Unless otherwise stipulated, funding will be managed and projects monitored and reviewed by the cognizant FEMA Regional Office.

(g) A preapplication conference with the cognizant Regional Office is needed to discuss the grant Work Plan in draft. The draft should also be reviewed by involved or affected State agencies and local governments. FEMA technical assistance is available for application preparation.

(h) A grant request must be in writing from the Governor or Governor's authorized representative to the appropriate Regional Director. Unless otherwise indicated herein, application, reimbursement, reporting, and auditing procedures shall follow the same guidelines as set forth in paragraphs 300.5(h) and (i) of these regulations and in other applicable Federal regulations.

(Sec. 201 of the Disaster Relief Act of 1974, (42 U.S.C. 5131))

Dated: May 14, 1981.

Robert E. Young,

Acting Associate Director for Plans and Preparedness.

[FR Doc. 81-16277 Filed 5-29-81; 8:45 am]

BILLING CODE 6718-02-M

Notices

Federal Register

Vol. 46, No. 104

Monday, June 1, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Agreement 146]

Budget of Expenses of Peanut Administrative Committee and Rate of Assessment for the 1980 Crop Year; Amendment

Pursuant to the provisions of section 48 of Marketing Agreement 146, regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 FR 9402), and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found that the amendment hereinafter set forth to the Budget of Expenses of Administrative Committee and Rate of Assessment applicable to 1980 crop peanuts (45 FR 39521) will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement.

Amendment of paragraph (c) of the Budget of Expenses of Peanut Administrative Committee and Rate of Assessment for the 1980 crop year is necessary to provide adequate funds to cover the administrative expenses of the Committee as budgeted at the beginning of the crop year (48 FR 39521). This proposal would increase the rate of assessment to cover such administrative costs from \$0.40 to \$0.56 per net ton of farmers stock peanuts to provide the additional funds needed. Initial budget estimates were based on handlers handling or receiving some 1.5 million tons of peanuts. However, due to the short 1980 peanut crop that tonnage is expected to be about 970,000 tons.

Therefore, paragraph (c) of the Budget of Expenses of Administrative

Committee and Rate of Assessment for the 1980 crop year (48 FR 39521) is amended by deleting the entire paragraph and replaced by the following:

(c) *Rate of Assessment.* Each handler shall pay to the Peanut Administrative Committee, in accordance with § 48 of the marketing agreement, an assessment of the rate of \$2.06 per net ton of farmers stock peanuts received or acquired other than those described in (c) and (d) (\$0.56 for administrative expenses and \$1.50 for indemnification expenses).

The Peanut Administrative Committee has recommended this amendment be issued as soon as possible so as to implement and effectuate the provisions of the marketing agreement. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing approval of expenses that may be incurred and the imposition of assessments, they are represented on the Committee which has submitted this proposal to amend the rate of assessment to cover administrative expenses; and handlers have had knowledge of the foregoing in their recent industry-wide discussions and will be afforded adequate time to plan their operations accordingly.

Dated: May 27, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-16237 Filed 5-29-81; 8:45 am]

BILLING CODE 3410-02-M

Flue-Cured Tobacco Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name: Flue-Cured Tobacco Advisory Committee.

Date: June 26, 1981.

Place: Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, laboratory, Room 223 Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, North Carolina 27505.

Time: 10 a.m.

Purpose: To discuss marketing area opening dates and selling schedules for flue-cured tobacco to be sold in each marketing area for the 1981 season. Also, other matters as specified in 7 CFR, Part 29, Subpart G, § 9404 will be discussed.

The meeting is open to the public. Persons, other than members, who wish to address the Committee at the meeting should contact Mr. T. A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, 300 12th Street SW., Washington, D.C. 20250, (202) 447-2567. Written statements should be submitted prior to or at the meeting.

Dated: May 27, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-16278 Filed 5-29-81; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

Cache la Poudre Wild and Scenic River Study, Arapaho and Roosevelt National Forests; Revised Notice of Intent To Prepare an Environmental Impact Statement

A notice of intent to prepare an environmental impact statement for the Cache la Poudre Wild and Scenic River Study, located within the boundaries of the Arapaho and Roosevelt National Forests and the Rocky Mountain National Park, Colorado, was published in the Federal Register, Volume 44, No. 65, p. 19497, April 3, 1979.

The draft environmental impact statement was filed with the Environmental Protection Agency April 8, 1980.

The estimated date for transmitting the final environmental impact statement to the Environmental Protection Agency has been postponed. It is proposed for release in October 1982.

If additional information is needed, please contact Raymond O. Benton, Forest Supervisor, Arapaho and Roosevelt National Forests at 301 S. Howes Street, Fort Collins, Colorado 80521, telephone (303) 482-5155.

All other conditions in the original notice remain the same.

Dated: May 21, 1981.

R. M. Peterson,

Chief, Forest Service.

[FR Doc. 81-16275 Filed 5-29-81; 8:45 am]

BILLING CODE 3410-11-M

PRESIDENTIAL TASK FORCE ON THE ARTS AND HUMANITIES**Meetings**

May 29, 1981.

The Presidential Task Force on the Arts and Humanities will meet on June 15, 1981 at The White House, Washington, D.C. at noon. The purpose of this meeting is to begin to consider ways that private sector support for the arts and humanities can help offset budget cuts at the National Endowment for the Humanities and the National Endowment for the Arts. The agenda for the Task Force will also be considered.

Following a personal greeting by the President in the White House, the Task Force will formally convene at noon in the Old Executive Office Building, 1600 Pennsylvania Avenue, Washington, D.C. on June 15, 1981. The meeting will be open to the public, however, due to security requirements, members of the public who wish to attend should call the White House switchboard (202-456-1414) during business hours no sooner than June 8 and no later than June 12, 1981 and ask for the Presidential Task Force on the Arts and Humanities.

Kate L. Moore,

Special Assistant to the Chief of Staff.

[FR Doc. 81-10453 Filed 5-29-81; 11:12 am]

BILLING CODE 3195-01-M

CIVIL AERONAUTICS BOARD

[Order 81-5-143]

Fitness Determination of Pennsylvania Commuter Airlines; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-5-143, Order to Show Cause.

SUMMARY: The Board is proposing to find that Pennsylvania Commuter Airlines d.b.a. Pennsylvania Airlines is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it has the ability to provide reliable essential air service; and that the aircraft used in this service conform to the applicable safety standards. The complete text of this order is available as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 16, 1981, together with a summary of the testimony, statistical data, and other

material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of the order.

FOR FURTHER INFORMATION CONTACT: Barbara Pfeiffer, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5354.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-5-143 is available from the Distribution Section, Room 516, Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-5-143 to Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 27, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-16228 Filed 5-29-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-139]

Fitness Determination of Pilgrim Aviation and Airlines, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-5-139, Order to Show Cause.

SUMMARY: The Board is proposing to find that Pilgrim Aviation and Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; that it is fit, willing and able to provide scheduled air transportation under its existing 401(d)(5) dormant route certificate; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 16, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C.

20428, and with all persons listed in Attachment A of Order 81-5-139.

FOR FURTHER INFORMATION CONTACT:

Mr. Dennis DeVany, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5405.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-5-139 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-5-139 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 26, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-16227 Filed 5-29-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-140]

Fitness Determination of Pocono Airlines, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-5-140, Order to Show Cause.

SUMMARY: The Board is proposing to find that Pocono Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; and that the aircraft used in this service conform to the applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 16, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of the Order 81-5-140.

FOR FURTHER INFORMATION CONTACT: Nicholas Lowry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-6064.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-5-140 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-5-140 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 26, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-16228 Filed 5-29-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-144]

Fitness Determination of State Airlines Incorporated; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-5-144, Order to Show Cause.

SUMMARY: The Board is proposing to find that State Airlines Incorporated is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 15, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-5-144.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-5-144 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a

postcard request for Order 81-5-144 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 27, 1981

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-16229 Filed 5-29-81; 8:45 am]

BILLING CODE 6320-01-M

Orders Concerning Mail Rates

Order 81-5-100, May 19, 1981, Docket 37294, fixing final domestic service mail rates for the period April 1 through June 30, 1981. The order makes final the rates proposed in Order 81-3-134 (46 FR 19838, April 1, 1981).

Order 81-5-101, May 19, 1981, Docket 37392, fixing final international service mail rates for the period April 1 through June 30, 1981. The order makes final the rates proposed in Order 81-3-135 (46 FR 19837, April 1, 1981).

Copies of the orders are available from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan

area may send a postcard request.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-16234 Filed 5-29-81; 8:45 am]

BILLING CODE 6320-01-M

Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Applications

In the matter of notice of applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits filed under Subpart Q of the Board's procedural regulations (see, 14 CFR 302.1701 et seq.); week ended May 22, 1981.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceeding.

Date filed	Docket No.	Description
May 19, 1981	39640	Pan American World Airways, Inc., Pan Am Building, New York, New York 10166. Application of Pan American World Airways, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests amendment of its certificate of public convenience and necessity for Route 31 so as to permit nonstop operations among and between currently certificated points and the following cities: Albany, NY, Amarillo, TX, Asheville, NC, Atlantic City, NJ, Augusta, GA, Baton Rouge, LA, Buffalo/Niagara Falls, NY, Charlotte, NC, Chattanooga, TN, Columbia, SC, Columbus, GA, Greensboro/High Point, NC, Greenville/Spartanburg, SC, Hartford, CT/Springfield, MA, Huntsville/Decatur, AL, Jackson/Vicksburg, MS, Knoxville, TN, Lexington, KY, Little Rock, AK, Louisville, KY, Lubbock, TX, Midland/Odessa, TX, Montgomery, AL, Nashville, TN, Orange County/Santa Ana/Anaheim, CA, Raleigh/Durham, NC, Richmond, VA, Roanoke, VA, Rochester, NY, Salinas/Monterey, CA, Santa Barbara, CA, Shreveport, LA, and Syracuse, NY. Conforming Applications, motions to modify scope, and Answers may be filed by June 16, 1981.
May 19, 1981	39642	Air Wisconsin, Inc., Outagamie County Airport, Appleton, Wisconsin 54911. Application of Air Wisconsin, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests the Board to issue a final order awarding it a certificate of public convenience and necessity, of permanent duration, to engage in scheduled air transportation of persons, property and mail between and among all the points on its route system (including Akron/Canton pending in Docket 39556) and Eau Claire, Wisconsin, Green Bay, Wisconsin, La Crosse, Wisconsin, Madison, Wisconsin, Milwaukee, Wisconsin, Mosinee, Wisconsin, and Oshkosh, Wisconsin. Conforming Applications, motions to modify scope, and Answers may be filed by June 16, 1981.
May 20, 1981	39647	Sea Air Motive, Inc., P.O. Box 6003, Anchorage, Alaska 99502. Application of Sea Air Motive, Inc. pursuant to Section 401 of the Act and Subpart Q of Board's Procedural Regulations requests that its certificate of public convenience and necessity be amended by inserting the following new points in alphabetical order into the current liner description for Route 244: Between the terminal point Alakakof, the intermediate points: Ambler, Anakluik Pass, Arctic Village, Atigun, Beaver, Bettles, Brevig Mission, Buckland, Cape Lisburne, Cape Yakataga, Central, Chalkyitsak, Chandalar, Chandalar Shelf, Circle, Circle Hot Springs, Coldfoot, Cordova, Deering, Delta Junction, Dietrich, Eagle, Elm, Fairbanks, Farewell, Five Mile, Flat, Fort Yukon, Franklin Bluffs, Galena, Galbraith Lake, Gamboll, Golovin, Gulkana, Happy Valley, Huslia, Isabelle Pass, Juneau, Kallag, Ketchikan, Kiana, Kivalina, Kobuk, Kotzebue, Koyuk, Koyukuk, Lake Minchumina, Livengood, Manley Hot Springs, Medra, Mintlo, McGrath, Moses Point, Noatak, Nome, Noorvik, Nulato, Old Man, Petersburg, Point Hope, Point Lay, Prospect Creek, Rampart, Ruby, Savoonga, Solawik, Seward, Shaktoolik, Shishmaref, Shungnak, Silka, Skowtona, Stevens Village, Takotna, Tanana, Tatalina, Teiser, Tin City, Unalakleet, Valdez, Venetie, Wainwright, Wales, White Mountain, Wiseman, Wrangell, and the terminal point Yakutat. Conforming Applications, motions to modify scope, and Answers may be filed by June 17, 1981.
May 21, 1981	39650	Fast Air Carrier Ltd., Suite 300, 7220 NW., 36th Street, Miami, Florida 33166.

Date filed	Docket No.	Description
May 22, 1981	39652	Application of Fast Air Carrier Ltd. pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests the Board to issue it a foreign air carrier permit authorizing the carriage of persons, property and mail between a point or points in Chile, on the one hand, and Miami and New York, on the other, via the intermediated points, Bogota, Columbia and Panama City, Panama. Fast Air also requests that the Board contemporaneously issue it a blanket statement of authorization allowing the operation of fifth freedom as well as third and fourth freedom charter flights with DC-10 and B-707 aircraft. Answers may be filed by June 18, 1981.
		Air Florida, Inc., 3900 NW 79th Avenue, Miami, Florida 33166.
		Application of Air Florida, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment of its certificate of public convenience and necessity for Route 197 authorizing it to engage in air transportation with respect to persons, property and mail at the points: Charleston, South Carolina and Savannah, Georgia. Conforming Applications, motions to modify scope, and Answers may be filed by June 19, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-16225 Filed 5-29-81; 6:45 am]

BILLING CODE 6320-01-M

[Order 81-5-138; Docket 29977]

Transportes Aereos Portugueses, E.P.; Authority To Conduct Charter Operations; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of May 1981.

Transportes Aereos Portugueses, E.P. (TAP) holds a foreign air carrier permit, most recently reissued by the Board in Order 79-8-47, authorizing it to provide foreign air transportation of persons, property, and mail between Lisbon, Portugal, an intermediate point or points in the Azores, the intermediate points Gander, Newfoundland, Canada, and Boston, and the terminal point New York. The permit also authorizes TAP to conduct charter operations under the terms, conditions, and limitations of Part 212 of the Board's Economic Regulations. Under this latter authority, TAP may (unless otherwise provided by the Board under § 212.4(b)) operate charters between points named in its permit ("on-route" charters) without prior Board approval, and may operate charters in other markets ("off-route" charters) upon obtaining a Statement of Authorization from the Board.

By Order 79-12-205, as amended by Order 80-12-151, the staff granted TAP, and a number of other foreign carriers, blanket Statements of Authorization to permit them to operate off-route charters without obtaining prior approval for each flight or series of flights. The staff found that these carriers' applications for off-route charter authority consistently met the criteria for issuance of Statements of Authorization under § 212.6 and were routinely granted. In that order the Board reserved the right to terminate the blanket Statement of Authorization of any subject carrier, on thirty days' notice, if it found such

action to be necessary for reciprocity or the public interest.

We find that it is now necessary to terminate TAP's blanket Statement of Authorization and to require the carrier to obtain individual Statements of Authorization to operate off-route charters.¹ In addition, we find it necessary to require TAP to obtain prior approval for all on-route charter flights, in accordance with §§ 212.4(b) and 212.5.²

Our actions are prompted by recent events which indicate to us that the present state of comity and reciprocity is sufficiently in doubt to require prior Board scrutiny and approval of TAP's charter flights.³ Specifically, we note that the Government of Portugal has recently denied two U.S. carriers, Transamerica Airlines, Inc. and The Flying Tiger Line Inc., d/b/a Metro International Airways, authority to operate Public Charter programs in the

¹ In ER-1220, adopted May 8, 1981, and effective August 20, 1981, the Board made extensive revisions to Part 212, including the replacement of the present distinction between on- and off-route charters with a framework where Third and Fourth Freedom operations normally would be authorized without prior approval, and where Fifth Freedom operations would normally be subject to prior approval. ER-1220 also provides that the Board may require prior approval for Third and Fourth Freedom operations in the same manner as it may now do for on-route charters. Our action in this order applies equally to TAP's operations under the provisions of the revised Part 212 when it becomes effective; i.e., TAP will be required to obtain prior approval for all Third, Fourth, and Fifth Freedom charters.

² Section 212.4(b) provides that the Board may, if the public interest requires and upon thirty days' notice to the foreign carrier involved, require such carrier to obtain prior approval for any on-route charter operated.

³ Scheduled air services between the United States and Portugal are governed by the Air Transport Agreement between the United States and Portugal of December 8, 1945, as subsequently amended. Charter services, however, are not covered by the agreement. TAP's charter rights are, therefore, strictly dependent upon comity and reciprocity.

New York-Portugal market.⁴ These actions appear to discriminate against authorized U.S. carriers and charter operators, who should be able to operate charters in any U.S.-Portugal market, just as Portugal's flag carrier is able to do. TAP has been afforded the opportunity to operate charters freely to and from any U.S. point. Reciprocity requires that equivalent opportunities be preserved for flag carriers of the United States.⁵

We will continue to evaluate the state of reciprocity in the days ahead and look forward to a quick resolution of the issues through U.S. government consultations with the Government of Portugal. As a result of our decision here, we will be able to take appropriate action should that prove necessary. We hope further steps will not be needed.

Accordingly,

1. We terminate, effective thirty days after the date of service of this order, the blanket Statement of Authorization granted to TAP by Order 79-12-205, as amended by Order 80-12-151;

2. We notify TAP that effective thirty days after the date of service of this order, it shall not perform any on-route charter trip unless specific authority in the form of a Statement of Authorization to conduct such charter trip has been granted by the Board. In the event that an application for a Statement of Authorization has been properly filed at least thirty days in advance of a proposed flight, notice of the Board's failure to approve either the whole or part of such application will be submitted to the President of the United States at least ten days prior to the date of the proposed flight. Any such failure to approve a timely-filed on-route charter trip application shall be subject to stay or disapproval by the President within ten days after the date of the Board's notification;

3. Our action in ordering paragraph 2 above will apply to Third and Fourth Freedom charters proposed by TAP, upon the effectiveness of the final rule issued by the Board in ER-1220;

4. We will serve copies of this order upon TAP, the Ambassador of Portugal

⁴ The charter programs at issue are PC 80-480, filed by Maptours, Inc. and Metro International, and PC 81-3, filed by Relvas Sunshine Vacations, Inc. and Transamerica. TAP also is participating in the Relvas program, operating flights between Boston and Portugal. The Government of Portugal has not, to our knowledge, restricted U.S. carrier charter operations in markets other than New York-Portugal.

⁵ The refusal of the Government of Portugal to authorize charters in the New York market apparently does not apply to TAP. We note that it operated a Portugal-New York Public Charter earlier this month.

in Washington, D.C., Transamerica Airlines, Inc., The Flying Tiger Line Inc., d.b.a. Metro International Airways, and Trans World Airlines, Inc.; and

5. We may amend or revoke this order at any time and without hearing.

This order will be published in the Federal Register.

By the Civil Aeronautics Board.*

Phyllis T. Kaylor,

Secretary.

[PR Doc. 81-16230 Filed 5-29-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-5-141]

Vagabond Aviation, Inc., d.b.a. Air Olympia; Fitness Determination

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-5-141, Order to Show Cause.

SUMMARY: The Board is proposing to find that Vagabond Aviation, Inc., d.b.a. Air Olympia, is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 18, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-5-141.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673-5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-5-141 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-5-141 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

* All Members concurred.

By the Civil Aeronautics Board, May 26, 1981.

Phyllis T. Kaylor,

Secretary.

[PR Doc. 81-16231 Filed 5-29-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Indiana State Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 2:00 p.m. and will end at 5:00 p.m., on June 17, 1981, at the Roy C. Buley Center, 1111 North Penn Street, Muncie, Indiana. The conference will convene at 9:00 a.m. and will end at 8:00 p.m. on June 18, 1981; it will also convene at 9:00 a.m. and will end at 5:00 p.m., on June 19, 1981, at the Ball State University, Cardinal Hall, Muncie, Indiana. The purpose of the meeting is to review and comment on the employment study draft by the Advisory Committee, and to discuss new business and public comments. The purpose of the conference is "A Focus on Law and Social Changes—past, present, and future," co-sponsored by the Indiana Advisory Committee with Action, Inc. of Delaware County.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 27, 1981.

John Binkley,

Advisory Committee Management Officer.

[PR Doc. 81-16233 Filed 5-29-81; 8:45 am]

BILLING CODE 6335-01-M

New Hampshire Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire Advisory Committee to the Commission will convene at 7:30 p.m. and will end at 9:30 p.m., on June 17, 1981, at the Federal Building, 275 Chestnut Street, Manchester, New Hampshire. The purpose of this meeting is to discuss the program planning for fiscal year 1981.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Sylvia Chaplain, 7 Wendover Way, Bedford, New Hampshire, 03102, (603) 625-5335, or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 26, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[PR Doc. 81-16234 Filed 5-29-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Maritime Administration

[Maritime Administration Docket No. A-132]

Carriage of Bulk Preference Cargo by Subsidized U.S.-Flag Operator—Review of Vessel Participation; Agency Review

AGENCY: Maritime Administration, Commerce.

ACTION: Notice of Agency Review.

SUMMARY: On June 15, 1979, the Maritime Subsidy Board (Board) issued a Final Opinion and Order approving an application by Aeron Marine Shipping Co. (Aeron) to permit two vessels, the SSs GOLDEN DOLPHIN and GOLDEN ENDEAVOR, to carry lots of not less than 55,000 long tons in the bulk preference cargo trades with operating-differential subsidy at world market rates. In conjunction with this decision, the Board denied the applications of American Shipping, Inc., Pacific Shipping, Inc., Aquarius Marine Co., Atlas Marine Co., and Worth Oil Transport Co., related companies, for the same service. The Board directed that after one year, Aeron's operating experience under the authority granted would be reviewed.

The Maritime Administration staff has completed its review and has submitted a report to the Board. Although the Board has not adopted the staff report, it is making the staff report available to the public for comments.

ADDRESS: Copies of the staff review may be obtained from the Secretary, Maritime Administration, Room 3099-B, Department of Commerce Building, Washington, D.C. 20230. Comments from any interested person desiring to offer views concerning the staff review should be submitted in writing, with 15 copies, to the above address not later than July 31, 1981.

FOR FURTHER INFORMATION CONTACT: F. R. Larson, (202) 377-5532.

By order of the Maritime Subsidy Board.

Dated: May 12, 1981.

Georgia Pourmaras Stamas,
Assistant Secretary.

[FR Doc. 81-10214 Filed 5-29-81; 8:45 am]

BILLING CODE 3510-15-M

[Docket No. S-690]

**Fredericksburg Shipping Co.,
Keystone Tankship Corp., Keystone
Shipping Co.; Applications for ODS by
Operators With Interest in Vessels
Engaged in Domestic Service**

Notice is hereby given that Fredericksburg Shipping Company (Fredericksburg), Keystone Tankship Corporation (Tankship) and Keystone Shipping Co. (Keystone) have filed applications dated January 7, 1981 under the Merchant Marine Act, 1936, as amended (the Act), for operating-differential subsidy with respect to the carriage of bulk commodities in U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics. Inasmuch as the applicant companies and/or related persons or firms employ or may employ ships in the domestic intercoastal or coastwise services, written permission of the Maritime Subsidy Board under section 805(a) of the Act will be required if the applications for operating-differential subsidy are to be approved.

The written permission requested by the applicants by letter dated May 11, 1981 is as follows:

For Fredericksburg, Tankship and Keystone and affiliated or associated companies to operate up to a total of 31 U.S.-flag vessels in the transport of bulk cargoes within and between the following U.S. coastal areas, with free interchange of vessels among those areas, and with the maximum number of vessels employed in the areas at any one time to be as specified:

U.S. Gulf-Atlantic Coastwise—17 vessels
U.S. Gulf-Atlantic Puerto Rico—2 vessels
U.S. Atlantic-Gulf Intercoastal (including Alaska and Hawaii)—10 vessels
Pacific Coast—Alaska—Hawaii—15 vessels

Such written permission is required under section 805(a) of the Act notwithstanding the fact that a voyage in the proposed service on which the vessels engaged in domestic intercoastal or coastwise trade would not be eligible for subsidy.

Any person, firm, or corporation having any interest in such applications (within the meaning of section 805(a)) and desiring to submit comments concerning the applications must file written comments in triplicate with the Secretary, Maritime Subsidy Board, by close of business on June 26, 1981

together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operations (a) will result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By order of the Maritime Subsidy Board.

Dated: May 22, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-10191 Filed 5-29-81; 8:45 am]

BILLING CODE 3510-15-M

**National Oceanic and Atmospheric
Administration**

**Public Hearing on the Mullica River
Estuarine Sanctuary; Draft
Environmental Impact Statement**

Notice is hereby given that the Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a public hearing for the purpose of receiving comments on the Draft Environmental Impact Statement (DEIS) prepared on the proposed Mullica River Estuarine Sanctuary.

The hearing will be held Tuesday, July 7, 1981, 2:30 and 7:30 p.m. at the following location:

Stockton State College, "A" Wing—Lecture Hall, Pomona, New Jersey.

The views of interested persons and organizations on the adequacy of the impact statement and the proposed Mullica River Estuarine Sanctuary are solicited, and may be expressed orally or in written statements. Presentations will be scheduled on a first-come, first-heard basis, and may be limited to a maximum of 5 minutes. This time

allotment may be extended before the hearing when the number of speakers can be determined. A verbatim transcript of the hearing will be prepared by the State of New Jersey for their purposes. However, the OCZM/NOAA staff will record and summarize the comments for the Final Environmental Impact Statement (FEIS). All comments received at the hearing and those submitted in writing will be considered in the preparation of the FEIS.

The comment period for this draft environmental impact statement will end on Monday, July 20, 1981.

As part of the procedures leading toward approval of the Mullica River Estuarine Sanctuary, a Final Environmental Impact Statement, reflecting consideration of these comments, will be prepared pursuant to the National Environmental Policy Act of 1969 and its implementing regulations. All written comments received by OCZM prior to the deadline will be included in the FEIS.

Copies of the DEIS may be obtained from the Office of Coastal Zone Management, 3300 Whitehaven Street, NW., Washington, D.C. 20235 (telephone: 202/634-4253).

(Federal Domestic Assistance Catalog No. 11.420, Coastal Zone Management Estuarine Sanctuaries)

Dated: May 19, 1981.

William Matuszeski,

Acting Deputy Assistant Administrator for
Office of Coastal Zone Management.

[FR Doc. 81-16213 Filed 5-29-81; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF ENERGY

Proposed Contract Award

AGENCY: Department of Energy.

ACTION: Notice of Proposed Contract Award.

SUMMARY: In accordance with U.S. Department of Energy (DOE) Procurement Regulations, Title 41, Subpart 9-1.5490, DOE gives public notice that a contract award, recognizing the existence of potential organizational conflicts of interest, is in the best interest of the United States.

FOR FURTHER INFORMATION CONTACT:

Linda Feeney, U.S. Department of Energy, Office of Procurement Operations, PR-521, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-4296

Richard Weiner, U.S. Department of Energy, Division of Power Supply and

Reliability, RG (EP)-73, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3949

SUPPLEMENTARY INFORMATION: Upon the basis of the following findings, mitigation, and determination, the proposed contract described below is being awarded, recognizing the existence of potential organizational conflicts of interest pursuant to the authority of 41 CFR 9-1.5409(a)(3).

1. Findings

The Division of Power Supply and Reliability (DPSR) administers electric utility programs related to the planning, design, and operation of an adequate, reliable, and cost-effective bulk power supply system for the United States.

Program goals are to promote (1) reliability and adequacy of bulk electric power supplies, by encouraging strong interconnections, diversity in production, and reserve margins sufficient to ensure both short- and long-term response capability and (2) economy in the production of electricity, especially in the utilization of fuels.

To further these goals, the DPSR requires expert technical assistance to supplement staff resources dedicated to the analysis of electric power utility systems.

Therefore, a competitive procurement (DE-RP01-80RG-10365, "Technical and Analytical Support to the Division of Power Supply and Reliability") was initiated during 1980 to solicit contractor assistance.

Commonwealth Associates Inc. (CAI) has been chosen for contract negotiation and award, as a result of its successful response to this RFP.

2. Specific Need

The objective of the proposed contractor effort is to provide technical and analytical support to the DPSR. The nation's bulk power supply shall be examined in order to assure its continuing reliability, economy, safety, and environmental acceptability in the production and delivery of electrical power. Specifically, this support will result in:

- Better understanding of economic/resource allocation/environmental optima
- Insights into economic tradeoffs in large system operation
- Improved data bases

The contractor will be expected to furnish personnel, facilities, services, materials, and travel necessary to provide electric utility planning, development, and operating studies.

The DPSR plans to use the work product primarily to support its efforts

in assuring the nation an adequate, reliable, cost-effective bulk power supply system, and promoting the national goal of reducing premium fuels consumption.

3. Funding and Performance

The contract period will be for one year, with two one-year options. The contract is to be structured to provide for the issuance of specific task orders describing the work to be performed and the expected deliverables. The contractor will be required to submit monthly performance reports for all tasks. The principal place of performance will be the contractor's offices and facilities.

4. Disclosure and Conclusion

In accordance with 41 CFR 9-1.5405, CAI has provided statements disclosing relevant information concerning its interests related to the work to be performed, and bearing on whether it has possible organizational conflicts of interest (1) with respect to being able to render impartial, technically sound and objective assistance or advice, or (2) which may give it an unfair competitive advantage.

Based on an evaluation of the facts contained in the disclosure statement, which indicates that CAI (considering all "affiliates") is heavily and diversely involved in providing engineering consulting services to a large number of energy firms, it has been determined that CAI has potential organizational conflicts of interest with regard to the work required by the DPSR, in accordance with 41 CFR 9-1.5409(a).

Furthermore, it is not possible to avoid the potential organizational conflicts of interest by the inclusion of appropriate conditions in the resulting contract, pursuant to 41 CFR 9-1.5409(a)(2).

In addition, the contracting officer has determined that possible organizational conflicts of interest exist with respect to all other firms which fell within the competitive range for award of this contract.

5. Mitigation

The DPSR will provide absolute constraints within which the contractor will operate. The nature and extent of the contractor's performance will be clearly defined and all conclusions and recommendations will be made independently by the DPSR. In addition, all pertinent contractor analysis will become a part of the public record and thus will be subject to close third-party scrutiny for the validity of the data and technical findings presented.

The contract awarded under this procurement will include the Organizational Conflicts of Interest Special Clause (41 CFR 9-1.5408-2(b)), which will apply to both prime and subcontractors. The primary purpose of this clause is to aid in ensuring that the contractor is not biased because of its past, present, or currently planned interests (financial, contractual, organizational, or otherwise) which relate to the work under this contract, and does not obtain any unfair competitive advantage over other parties by virtue of its performance of this contract.

Conflict of interest determinations for subcontractors will be made by DOE prior to award to any potential subcontractors.

6. Determination

In light of the above Findings and Mitigation, and in accordance with 41 CFR 9-1.5409(a)(3), the proposed contract award is in the best interest of the United States.

Dated: May 26, 1981.

Barton R. House,
Acting Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 81-16185 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Calvin Petroleum Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: May 14, 1981. Comments by: July 1, 1981.

ADDRESS: Send comments to: Kenneth E. Merica, District Manager of Enforcement, Economic Regulatory Administration, P.O. Box 26247, Belmar Branch, Lakewood, Colorado 80226.

FOR FURTHER INFORMATION CONTACT: Kenneth E. Merica, District Manager of Enforcement, Economic Regulatory Administration, P.O. Box 26247, Belmar

Branch, Lakewood, Colorado 80226,
(303) 234-3195.

SUPPLEMENTARY INFORMATION: On May 14, 1981, the Office of Enforcement executed a Consent Order with Calvin Petroleum Corporation (CPC) of Denver, Colorado. Under 10 C.F.R. 205.199(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

CPC, with its home office located in Denver, Colorado, is a crude oil producer as defined in 10 C.F.R. 212.31 and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 C.F.R., Parts 210, 211 and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of CPC, the Office of Enforcement of ERA and CPC entered into a Consent Order, the significant terms of which are as follows:

1. The ERA alleges that during the audit period certain volumes of crude oil produced and sold from the John DiTirro (Di-Ta) #1 and #2 Lease were improperly characterized as "stripper well" crude oil exempt from the "old" oil or "lower tier" ceiling price rule contained in 10 C.F.R. § 212.73. The ERA further alleged that during the period January 1, 1976 through September 30, 1980 (audit period) certain sales of crude oil were made by CPC at prices in excess of the maximum allowable prices in violation of 10 C.F.R. Part 212, Subpart D.

2. CPC has agreed to pay \$45,000 into a special fund administered by ERA in settlement of the alleged overcharges to its customers during that period and possible further overcharges through January 28, 1981.

3. The provisions of 10 C.F.R. 205.199 are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, CPC agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.2. above, the sum of \$45,000, on or before June 15, 1981. Refund of those overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 C.F.R. 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocations (Entitlements) Program, 10 C.F.R. 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 C.F.R. 205.199(a).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the settlement amount specified in I.2., above, should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notifications of a claim to Kenneth E. Merica, District Manager of Enforcement Economic Regulatory Administration, P.O. Box 26247, Belmar Branch, Lakewood, Colorado, 80226. You may obtain a free copy of this Consent Order, with proprietary information deleted, by writing to the same address or by calling (303) 234-3195.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Calvin Petroleum Corporation Consent Order." We will consider all comments we

receive by 4:30 p.m., local time, on July 1, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 C.F.R. 205.9(f) and 10 C.F.R. 1004.11.

Issued in Lakewood, Colorado, on the 20th day of May 1981.

Kenneth E. Merica,

*District Manager, Rocky Mountain District,
Economic Regulatory Administration.*

[FR Doc. 81-10183 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-01-M

Payne-Johnston and Byars; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Payne-Johnston and Byars. This Proposed Remedial Order charges Payne-Johnston and Byars with pricing violations in the amount of \$97,734.40, connected with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period September 1973 through June 1980 in the State of Texas.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager of Enforcement, southwest District office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235—(214) 767-7745. On or before June 16, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas on the 20th day of May 1981.

Wayne I. Tucker,

District Manager for Enforcement, Southwest District, Economic Regulatory Administration.

[FR Doc. 81-16184 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. ERA-R-80-39, ERA-R-80-40]

Withdrawal of Proposed Voluntary Guidelines for the Advertising Standard and the Master Metering Standard Under the Public Utility Regulatory Policies Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Withdrawal of proposed guidelines.

SUMMARY: The Economic Regulatory Administration (ERA) is withdrawing its proposed voluntary guidelines regarding advertising and use of master metering by electric utilities. The proposed guideline regarding advertising was issued on November 10, 1980 (45 FR 76370, November 18, 1980). The proposed guideline regarding the use of master metering was issued on December 12, 1980 (45 FR 84936, December 23, 1980). These proposed guidelines were issued pursuant to section 131 of the Public Utility Regulatory Policies Act of 1978 (PURPA).

FOR FURTHER INFORMATION CONTACT:

Stephen S. Skjei, Division of Rates and Energy Management, Office of Program Operations, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 4016 D, Washington, D.C. 20461, Telephone (202) 653-3913.

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, Telephone (202) 653-4055.

Arthur Perry Bruder, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Room 6B-144, Washington, D.C., Telephone (202) 252-9516.

Cynthia Ford, Office of Public Hearings Management, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-210, Washington, D.C. 20461, Telephone (202) 653-3971.

SUPPLEMENTARY INFORMATION: On November 10, 1980, ERA issued for public comment, pursuant to PURPA section 131, a proposed voluntary guideline respecting the advertising standard established by PURPA section 113(b)(5). The purpose of the proposed guideline was to present the Department of Energy's (DOE) position on national energy problems which might be affected by regulatory authorities' and nonregulated utilities' decisions regarding utility advertising. Toward this end, the proposed guideline offered direction on those provisions of the standard concerned with (a) conservation oriented advertising (PURPA sections 115(h)(2) (A) and (B)), and (b) advertising which promotes the use of energy efficient appliances, equipment or services (PURPA section 115(h)(2)(E)).

Data submitted by State regulatory authorities relative to the PURPA annual reporting requirements revealed that as of June 30, 1980, a majority (36) had already completed their hearings on the

standard. Moreover, opportunities exist for DOE to convey concerns about the implications of utility advertising policy through other program activities. As a consequence, ERA has concluded that it would not be productive to proceed to a final guideline. Accordingly, no final guideline will be issued, and the proposed guideline is hereby withdrawn.

On December 12, 1980, ERA issued for public comment, pursuant to PURPA section 131, a proposed voluntary guideline respecting the master metering standard established by PURPA section 113(b)(1). The purpose of the proposed guideline was to present the Department of Energy's (DOE) position on certain issues which should be addressed by regulatory authorities and nonregulated utilities in their consideration of the master metering standard. Toward this end, the proposed guideline offered direction on those provisions of the standard concerned with (a) the impact on the three purposes of PURPA, (b) economic factors, and (c) building categories and restrictions on master metering.

At least 31 State regulatory authorities, according to their reports to DOE, had completed hearings on the master metering standard as of June 30, 1980. In addition, DOE has previously published technical assistance materials which address the technical aspects of the master metering standard, and in particular, the relative advantages of individual and master metering. For these reasons, ERA has concluded that it would not be productive to proceed to a final guideline. Accordingly, no final guideline will be issued, and the proposed guideline is hereby withdrawn.

(Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*); Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7101 *et seq.*))

Issued in Washington, D.C. on May 20, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81-18182 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-01-M

Conlo Service, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: March 20, 1981.

COMMENTS BY: July 1, 1981.

ADDRESS: Send comments to: Edward Momorella, District Manager, Northeast District, 1421 Cherry Street, Philadelphia, Pennsylvania 19102.

FOR FURTHER INFORMATION CONTACT: Edward Momorella, District Manager, Northeast District, 1421 Cherry Street, Philadelphia, Pennsylvania 19102, 215/597-2633.

SUPPLEMENTARY INFORMATION: On March 20, 1981, the Office of Enforcement of the ERA executed a Consent Order with Conlo Service, Inc. Under 10 CFR Sec. 205.199(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Conlo Service, Inc. ("Conlo"), with its home offices located in Farmingdale, New York, is a firm engaged in the resale and retail sale of motor gasoline and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Conlo, the Office of Enforcement of the ERA, and Conlo entered into a Consent Order, the significant terms of which are as follows:

1. During the period April 1, 1979 through September 30, 1979 (audit period), Conlo allegedly overcharged its commercial end-user and retailer classes of purchaser on sales of motor gasoline.

2. It is alleged that Conlo incorrectly computed its maximum legal selling price in its sales of regular and unleaded gasoline to the classes of purchaser listed above during the audit period. As a result, Conlo charged prices in excess of those permitted under 10 CFR 212.93(a) and 6 CFR 150.359(c)(1).

3. This Consent Order constitutes neither an admission by Conlo that it has violated the Mandatory Petroleum Price Regulations nor a finding by ERA that Conlo has violated such regulations.

4. The provisions of 10 CFR Sec. 205-199], including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Conlo agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of \$20,022.00 over the period of twelve (12) months.

The amount to be refunded to each class is as follows:

Class I—Regular—Commercial End-user	\$10,112
Classes II and IV—Regular and Unleaded—Retailer	4,854
Class III—Unleaded—Commercial End-user	5,056

In order to accomplish the refund of overcharges to Classes I and III Conlo will issue refund checks or credit memoranda to the affected customers during the refund period. In order to accomplish the refund of overcharges to Classes II and IV, Conlo will issue, during the refund period, certified checks made payable to the United States Department of Energy and delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the Classes II and IV refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR Sec. 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR Sec. 211.67. In fact, the adverse effects of the overcharges may have become so diffused that is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the Classes II and IV refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the Classes II

and IV refund amounts should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to this refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. Such comments will be considered solely in connection with DOE's right to rescind or modify the Consent Order upon the discovery of new evidence or upon petition by Conlo.

You should send your comments or written notification of a claim to Edward Momorella, District Manager, Northeast District, 1421 Cherry Street, Philadelphia, Pennsylvania 19102. You may obtain a free copy of this Consent Order by writing to the same address or by calling 215/597-2633.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Conlo Service, Inc. Consent Order". We will consider all comments we receive by 4:30 p.m., local time, on July 1, 1981.

You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Philadelphia, Pennsylvania, on the 11th day of May, 1981.

Edward Momorella,
Northeast District Manager of Enforcement.

[FR Doc. 81-16306 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-01-M

Cross Oil & Refining Co. of Arkansas; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a final Consent Order.

EFFECTIVE DATE: May 26, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement,

2000 M Street, NW., Washington, D.C. 20641, (202) 653-3548.

SUPPLEMENTARY INFORMATION: On April 9, 1981, 46 Fed. Reg. 21229 (1981), the Office of Enforcement of the ERA published notification in the *Federal Register* that it had executed a proposed Consent Order with Cross Oil and Refining Company of Arkansas on March 27, 1981 which would not become effective sooner than 30 days after publication. Pursuant to 10 CFR § 205.199(c), interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the proposed Consent Order.

Two comments were received. Both commentators recommended that the refunds be effected through the Entitlements Program. The terms of the proposed Consent Order would not prohibit this distribution of the refunds. The proposed Consent Order, therefore, was finalized and made effective on May 26, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-16307 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-01-M

Gas Systems, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: May 14, 1981.

COMMENTS BY: July 1, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 [phone] 214/767-7745.

SUPPLEMENTARY INFORMATION: On May 14, 1981, the Office of Enforcement of

the ERA executed a Consent Order with Gas Systems, Inc., of Fort Worth, Texas. Under 10 CFR 205.199(j), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Gas Systems, Inc., (Gas Systems) wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Gas Systems effective as of the date of its execution by the DOE and Gas Systems.

I. The Consent Order

Gas Systems, with its home office located in Fort Worth, Texas, is a firm which engaged in the production and sale of natural gas liquids (NGL's) and natural gas liquid products (NGLP's), and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Gas Systems, the Office of Enforcement, ERA, and Gas Systems entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was September 1, 1973 through October 31, 1976, and it included all sales of NGL's and NGLP's made by Gas Systems during that period.

2. Alleged overcharges on these sales were due to Gas Systems not applying the provisions of 10 CFR Part 212 Subpart K, in a manner acceptable to the DOE.

3. The Consent Order does not constitute an admission by Gas Systems that ERA regulations have been violated.

4. The Consent Order is a settlement of the alleged overcharges which were the subject of the Notice of Probable Violation issued to Gas Systems on August 22, 1980.

5. Gas Systems agrees to refund to the DOE \$45,000 within 30 days of the effective date of the Consent Order.

6. The provisions of 10 CFR 205.199j, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Gas Systems agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. 1. above, the sum of \$44,500 in the manner specified

in I. 5. above, plus \$500 in penalty. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined in 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges may have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claim is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim, to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/787-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Gas Systems Consent Order." We will consider all comments we receive by 4:30 p.m. local time, on July 1, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas, on the 19th day of May, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-18306 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-01-M

Summit Transportation Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: May 20, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: Larry Harris, Office of Enforcement, Room 5002, 2000 M Street, NW., Washington, D.C. 20461, Telephone No. (202) 653-3517.

SUPPLEMENTARY INFORMATION: On March 4, 1981, the Office of Enforcement of the ERA published notification in the *Federal Register* that it executed a Consent Order with Summit Transportation Company (Summit) of Houston, Texas, on January 6, 1981, 46 Fed. Reg. 15203 (1981). Interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by Summit pursuant to the Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was issued as signed.

Pursuant to the Consent Order, Summit refunded the sum of \$17,000,000

including interest by checks made payable to the United States Department of Energy. This sum received by DOE has been placed into a suitable account pending determination of its proper distribution.

Action Taken

The ERA is unable readily to identify the persons entitled to receive the \$17,000,000 including interest or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the ERA has petitioned the Office of Hearings and Appeals (OHA) on May 20, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 22nd day of May, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-16009 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CP81-315-000; CP80-225]

Algonquin Gas Transmission Co., Application

May 28, 1981.

Take notice that on May 1, 1981, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP81-315-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to: (i) construct and operate facilities necessary to convert a portion of the storage contract demand presently rendered pursuant to Algonquin's Rate Schedule STB (Backup Storage Service) to a firm basis; and (ii) render long-term firm STB storage service pursuant to its proposed Rate Schedule STB (Firm and Backup Storage Service). Applicant also requests amendment of the June 16, 1980 order issued in Docket No. CP80-225 pursuant to Section 7(c) of the Natural Gas Act so as to modify the terms of its existing certificate authorizing service under existing Rate Schedule STB (Backup Storage Service). Algonquin's proposals are more fully set forth in the application which is on file with the

Commission and open to public inspection.

Algonquin states that the other parties involved in the rendition of service under proposed Rate Schedule STB (Firm and Backup Storage Service) by Algonquin to its participating customers are:

—Texas Eastern Transmission Corporation (Texas Eastern), which would transport the customers' gas to and from storage, rendering service to Algonquin pursuant to Texas Eastern's Rate Schedule SS-II; and

—Consolidated Gas Supply Corporation (Consolidated), which owns and operates underground storage facilities to be utilized for such service, and which has contracted with Texas Eastern to render storage service for the 20-year term of this proposal.

It is stated that, by this proposal, Algonquin proposes to convert to firm service a portion of the existing STB storage contract demand by the addition of certain facilities and the modification of certain other facilities, thus making possible the firm delivery, to STB customers desiring such service, of storage quantities in addition to the firm quantities deliverable pursuant to Algonquin's Rate Schedules WS-1 and F-1. Algonquin says the term of service would not change, which term, as authorized by the order issued June 16, 1980, in Docket No. CP80-255, extends to April 15, 2000. Further, Algonquin says the portion of the present backup storage service that would be converted to firm service commencing with the 1982-83 winter season is 57,055 MMBtu per day.

It is stated that the following customers have executed Precedent Letters for service under Algonquin's proposed Rate Schedule STB (Firm and Backup Storage Service):

Customer	Interim firm daily portion (1 yr) million Btu
Boston Gas Co.	10,428
Cape Cod Gas Co.	1,052
Commonwealth Gas Co.	2,195
The Connecticut Gas Co.	1,052
Connecticut Natural Gas Corp.	1,475
Fall River Gas Co.	655
City of Norwich, Connecticut	203
Providence Gas Company	2,950
Total	20,000

In addition, Algonquin states that it proposes to provide 20 billion Btu per day of firm STB deliveries during the 1981-82 winter season interim period, and that during such interim period, each customer would be entitled to a

pro rata share of its firm daily portion of storage demand, as follows:

Customer	Storage demands (million Btu)	Firm daily portion of storage demand
	Total	
Boston Gas Co.	31,818	29,750
Cape Cod Gas Co.	10,000	3,000
Commonwealth Gas Co.	8,666	6,203
The Connecticut Gas Co.	6,300	3,000
Connecticut Natural Gas Corp.	4,500	4,207
Fall River Gas Co.	2,000	1,870
City of Norwich, Connecticut	620	580
Providence Gas Company	9,000	8,415
Total	70,904	57,055

Algonquin states that it must construct additional facilities and modify certain other facilities to effectuate firm storage deliveries. The new and modified facilities are estimated, according to Algonquin, to cost \$44.9 million and would include the installation of 21.1 miles of 30-inch pipeline, the installation of one 3830 horsepower compressor at each of Algonquin's Stony Point, New York and Cromwell, Connecticut compressor stations, retesting of a 10-mile segment of its system, the installation of regulators to control downstream pressures and the modification of certain existing measurement stations. Algonquin states that the proposed facilities would be financed during 1981 and 1982 through bank loans and other short-term loans to be followed by long-term financing arrangements when those can be completed.

Algonquin states that, to the extent that firm contract demand storage service is now being proposed, it is proposing new initial demand charges reflecting, in addition to the existing charges for backup storage service, charges designed to recover the costs of rendering such firm service. The initial rate which Algonquin proposes to charge for the proposed firm STB service reflects, it is said, two new charges in addition to the charges reflected in the presently effective STB (Backup Storage Service) rate. These charges are:

(1) For reimbursement of payments to Texas Eastern, Algonquin proposes to add a new charge designed to pass on to the firm STB customers the Texas Eastern demand charge related to the firm portion of the storage demand.

(2) For Algonquin's own handling charges, it proposes to add a new demand charge to recover the cost of service related to the 57,055 million Btu of firm storage demand pursuant to proposed Rate Schedule STB (Firm and

Backup Storage Service). Algonquin says that during the 1981 interim service period, for which only relatively minor new facilities are necessary, the new demand charge will be appropriately discounted.

Algonquin says that the proposed initial rate for the firm portion of service has been computed at the rate of return factors reflected in its pending rate proceeding at Docket No. RP80-72. Algonquin also says that, in order to expedite the processing of this application, it hereby indicates that it would accept a condition in the Commission's certificate order herein to the effect that the firm service handling charges of Algonquin's proposed initial rate (both the discounted interim period charge and the final charge) should be adjusted, back to the date such charges commence for the firm STB service, to reflect the rate of return that is established by final Commission order in Docket No. RP80-72.

Algonquin indicates that, on April 16, 1981, Texas Eastern filed a related application in Docket No. CP81-291-000 for requisite certificate authorization to render firm SS-II service to Algonquin for 1981-82 interim quantities and is currently preparing an application for additional firm service commencing with the 1982-83 winter season.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a

proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-16259 Filed 5-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. G-14250-001, et al.]

**ARCO & Gas Company, Division of
Atlantic Richfield Company, et al.;
Applications for Certificates,
Abandonment of Service and Petitions
To Amend Certificates¹**

May 22, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are

on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft. ³	Pressure base
G-14250-001, D, May 6, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	El Paso Natural Gas Company, SEMU Eumont #64 Well, Lea County, New Mexico.	(1)	
G-3825-000, D, May 12, 1981	Phillips Petroleum Company 338 Home Savings & Loan Bldg, Bartlesville, Oklahoma 74004.	Northern Natural Gas Company, Jal Field, Lea County, New Mexico.	(2)	
C163-578-003, D, May 4, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Natural Gas Pipeline Company of America, S. E. Camrick, Beaver and Texas Counties, Oklahoma.	(4)	
C164-1170-000, D, May 11, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2483, Houston, Texas 77001.	Natural Gas Pipeline Company of America, Putnam-Oswego Unit, Custer & Dewey Counties, Oklahoma.	(4)	
C168-1271-000, D, May 11, 1981	do	Panhandle Eastern Pipeline Co., South Bishop Field, Roger Mills County, Oklahoma.	(1)	
C170-926-000, D, May 11, 1981	do	Panhandle Eastern Pipeline Co., Buffalo Willow, Hemphill County, Texas.	(1)	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft. ³	Pressure base
D77-481-003, C, May 13, 1981	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, South Tibbaler Blocks 29, 36, 37 and 38, Offshore Louisiana.	(*)	15,025
C81-333-000, B, May 11, 1981	West Texas Exploration, Inc., P.O. Box 745, Odessa, Texas 79760.	Natural Gas Pipeline Co. of America, Martinez Field, Zapata County, Texas.	(*)	
C81-323-000, E, Apr. 17, 1981	Getty Oil Company (Succ. in interest to Getty Reserve Oil Inc.), P.O. Box 1404 Houston, Texas 77001.	El Paso Natural Gas Company, Jaimat Field, Lea County, New Mexico.	(*)	14.66
C81-325-000, A, May 6, 1981	Chevron U.S.A. Inc., P.O. Box 7309, San Francisco, CA 94120.	Natural Gas Pipeline Company of America, West Cameron Blocks 115 and 116, Offshore Louisiana.	(*)	15,025
C81-326-000 (G-20016), B, May 6, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Transcontinental Gas Pipe Line Corp., Southland Field, Duval County, Texas.	(1*)	
C81-327-000, B, May 6, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	The Nueces Company (Delb) C. Monroe, A. B. C. et al., Leases Wuto Field, Sec. 195, Blk 34, H & TC Survey, Ward County, Texas.	(1*)	
C81-328-000, B, May 6, 1981	do	Cabot Oil and Gas Corp., Oscar Clapp "A" Lease, Kermit Field, NW/4 Sec. 27 Blk. 26, PSL Survey, Winkler County, Texas.	(1*)	
C81-329-000, B, May 6, 1981	do	CRA Inc., Sammie H. Sugg Lease, Mertzon Plant, Sec. 83, Blk. 1, T & TC, Ry. Co., Irion County, Texas.	(1*)	
C81-330-000, B, May 6, 1981	do	Phillips Petroleum Company, Paul Moss "48" N/2, Sec. 48 Blk. 44, T & P Survey, Ector County, Texas.	(1*)	
C81-331-000, A, May 4, 1981	C & K Petroleum Inc., 3900 Capital Bank Plaza, Houston, Tex 77002.	United Gas Pipe Line Company, Block 237, East Cameron Area, South Addition, Offshore Louisiana.	(1*)	15,025
C81-332-000, A, May 8, 1981	ANR Production Company, 5075 Westheimer, Suite 1100, Galleria Towers West, Houston, Texas 77056.	Michigan Wisconsin Pipe Line Company, West Cameron Block 504, Offshore Louisiana.	(1*)	14.73
C81-334-000 (C169-107), B, May 11, 1981	Energy Resources Group, Inc., P.O. Box 1201, 217 North Water Street, Wichita, Kansas 67201.	Tennessee Gas Pipeline, San Salvador Field, Hidalgo County, Texas.	(1*)	
C81-335-000, B, May 12, 1981	An-Son Corporation, 3814 N. Santa Fe, Oklahoma City, Oklahoma 73118.	Panhandle Eastern Pipe Line Company, N. W. Midwell, Cimarron County, Oklahoma.	(1*)	
C72-492-001, D, Apr. 15, 1981	Conoco Inc., Post Office Box 2197, Houston, Texas 77001.	Mountain Fuel Resources, Inc., Lower Horse Draw Field, Rio Blanco County, Colorado.	(1*)	
G-14911-000, B, Apr. 10, 1981	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Warren Petroleum Corporation, E. A. Worley #6 Northwest Quarter, (NW/4) Section 39, Block 24, H & GN, Railroad Company Survey, Wheeler County, Texas.	(2*)	

¹ Reclassification of well from gas to oil by the New Mexico Oil Conservation Commission. Oil well gas is committed to Warren Petroleum Company, a Division of Gulf Oil Corporation, under Percentage of Proceeds Contract dated August 15, 1973, as amended June 22, 1976.

² Purchaser has agreed to release acreage. Since they are not willing to take this production, abandonment is necessary to find a new market.

³ The only well in the unit, the Allen State Gas Unit Well #1, ceased to produce in December 1978 and was plugged and abandoned September 10, 1979. The Commissioners of the Land

Office of the State of Oklahoma requested Reliance, which was executed October 11, 1979.

⁴ Shell Oil Company is no longer able to render service from the acreage involved in this application because it has no interest in the acreage.

⁵ Applicant is filing under Gas Purchase and Sales Agreement dated April 11, 1977, amended by amendment dated April 6, 1981.

⁶ Well plugged and abandoned.

⁷ Effective August 1, 1980, Getty Reserve Oil, Inc., assigned all of its oil, gas and mineral properties, assets, and rights to Getty Oil Company.

⁸ Applicant is filing under Gas Purchase Contract dated December 31, 1975.

⁹ Applicant agrees to accept a Certificate at the rates prescribed by the NGPA.

¹⁰ Contract expired April 1, 1981, ARCO plans no development for the area.

¹¹ Contract expired by its own terms on December 1, 1975. On May 1, 1972, ARCO's interest in the acreage covered under such contract was sold to Weldon Guest. No gas has been

sold under this contract since that date.

¹² Contract expired by its own terms on March 3, 1969. The lease sold to Ibe, Inc. effective June 1, 1972. The lease has now expired as to any interest retained by ARCO.

¹³ Contract terminated effective May 12, 1980. The only producing acreage committed under said contract was sold to Chateaugay Company effective October 1, 1973. ARCO has no plans

for further development in the retained acreage.

¹⁴ Contract expired by its own terms May 26, 1975. ARCO's interest in the properties covered under such contract was sold to Union Oil Company of California effective October 1, 1973.

¹⁵ Applicant is filing under Gas Sales Contract dated March 18, 1981.

¹⁶ Applicant is filing under Gas Sales Contract dated October 27, 1977.

¹⁷ Contract has expired, well has been plugged and acreage expired.

¹⁸ Marginal production, no other zones which merit testing, not economically feasible to operate.

¹⁹ Conoco Inc. sold its interest in all of the leases committed to the subject contract and rate schedule to Joseph B. Gould effective September 1, 1978.

²⁰ By Assignment and Agreement executed December 18, 1973, but made effective December 1, 1973, Mobil Oil Corporation (MPTM's predecessor) assigned to J. W. Lemons all of its

rights, title and interest in and to certain producing property fully described in said Assignment and Agreement.

Filing Code: A—Initial Service, B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage, E—Total Succession, F—Partial Succession.

[PR Doc. 81-16252 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4590-000]

**Buena Vista Water Storage District;
Application for Preliminary Permit**

May 27, 1981.

Take notice that Buena Vista Water Storage District (Applicant) filed on April 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4590 to be known as the Buena Vista One Power Plant Project located on the Turnout No. 1 Pipeline in Kern County, California. The application is on file with the Commission and is available for public inspection. Correspondence

with the Applicant should be directed to: Mr. Harold Russell, Engineer Manager, Buena Vista Water Storage District, 525 North Main Street, P.O. Box 756, Buttonwillow, California 93206. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of a powerhouse containing a single 180-kW generating unit located at the outlet to the Turnout No. 1 Pipeline and associated electrical and transmission equipment.

The Applicant estimates that the

average annual energy output would be 1,400 MWh.

Purpose of Project—Project energy would be sold.

Proposed Scope and Cost of Studies Under Permit—Applicant would conduct a detailed study to determine the technical, economical, financial, and environmental feasibility of the proposed project. Applicant estimates that the proposed studies would cost \$30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the

Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 16, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 14, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules or Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 16, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO

INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4590. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16290 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-65-M

[Project No. 4423-000]

Central Montana Electric Generation and Transmission Cooperative, Inc.; Application for Preliminary Permit

May 27, 1981.

Take notice that Central Montana Electric Generation and Transmission Cooperative, Inc. (Applicant) filed on March 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4423 to be known as the Tiber Dam Project located on the Marias River in Liberty County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James H. Follensbee, Central Montana Electric Generation and Transmission Cooperative, Inc., 705 Lincoln Lane, Billings, Montana 59101. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—the proposed project would utilize the existing Water and Power Resources Service's, U.S. Department of the Interior, Tiber Dam and would consist of: 1) a proposed powerhouse with an installed generating capacity of 13 MW; 2) a proposed 5,000-foot long transmission line, and 3) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 79 GWh.

Purpose of Project—the Applicant proposes to use the power output to serve the loads of Central Montana Electric Generation and Transmission Cooperative and adjacent rural electric cooperatives which are members of Central Montana Electric Generation and Transmission Cooperative.

Proposed Scope and Cost of Studies Under Permit—the Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information presented will be useful in preparing an application for license for the project. The Applicant's estimated total cost for performing a feasibility study is \$51,770.

Purpose of Preliminary Permit—a preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—this application was filed as a competing application to Continental Hydro Corporation's Project No. 3574 on December 30, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing application or notices of

intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4423. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 an additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16261 Filed 5-29-81; 9:45 am]

BILLING CODE 8450-85-M

[Project No. 4512-000]

City of Bountiful, Utah; Application for Preliminary Permit

May 28, 1981.

Take notice that City of Bountiful, Utah (Applicant) filed on April 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16

U.S.C. 791(a)-825(r)] for proposed Project No. 4512 to be known as Joes Valley Dam located on Seely Creek in Emery County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. Berry Hutchings, Manager, Bountiful City Light and Power Department, 198 South 200 West, Bountiful, Utah 84010. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water Power and Resources Service's Joes Valley Dam and would consist of, a powerhouse containing a single generating unit with a rated capacity of 3,500 kW; a spillway; existing transmission lines; and appurtenant facilities. The Applicant estimates that the average annual energy output would be 9.5 million kWh.

Purpose of Project—The energy generated at the proposed project would be utilized by the City of Bountiful for municipal purposes.

Proposed Scope and Cost of Studies Under Permit—The proposed term of the requested permit is 12 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be \$61,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should

be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corporation's Project No. 3824 filed on December 4, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4512. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each

representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-16262 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-183-000]

Consolidated Edison Co. of New York, Inc.; Order Declaring Jurisdiction, Accepting and Suspending Rate Filing, Granting Intervention, and Establishing Procedures

Issued: May 26, 1981.

On December 22, 1980, and March 27, 1981,¹ Consolidated Edison Company of New York, Inc. (Con Ed) tendered for filing a supplement to its Service Delivery Agreement with the Power Authority of the State of New York (PASNY). The supplement would increase Con Ed's charges to PASNY by approximately \$9.5 million (31%) for the transmission portion of the service to PASNY's customers located in Con Ed's service area.² The company requests that the revised rates become effective on March 21, 1981. Accordingly, waiver of the notice requirements is requested. Further, to the extent that the filing does not strictly comply with the requirements of section 35.13 of the Commission's regulations, Con Ed requests waiver of those regulations as well.

Notice of the filing was issued on January 2, 1981, with responses due on or before January 23, 1981. Timely petitions to intervene were filed by PASNY and the Port Authority of New York and New Jersey (Port Authority), a customer of PASNY served by Con Ed under the instant rate schedule. In its petition to intervene, PASNY states that rates currently on file with the NYSPSC for Con Ed's delivery service to PASNY's customers cover both the transmission and distribution portions

¹ Con Ed submitted the instant filing on a preliminary basis on December 22, 1980, in order to comply with the notice provisions of section 35.13 of the Commission's regulations. The company indicated that it would base its charge to PASNY on the cost of service as approved by the New York Public Service Commission (NYSPSC) in its latest retail rate case and would revise the instant filing upon the issuance of an order in that proceeding by the NYSPSC.

² The present rate schedule is the result of an arrangement in which Con Ed transferred its interests in the Astoria No. 6 and Indian Point No. 3 generating units to PASNY. Under the present Service Delivery Agreement, Con Ed delivers power and energy from PASNY's Astoria No. 6 and Indian Point No. 3 generating units to PASNY's customers (Federal, State, and City agencies) located in Con Ed's service area. Con Ed performs all functions necessary to deliver power and energy including distribution and meter reading services.

of the service. PASNY therefore requests that the Commission issue an order indicating that it has jurisdiction over the transmission portion of Con Ed's service.

The Port Authority has protested the instant filing on the grounds that the Commission has exclusive jurisdiction over the entire contract entered into between PASNY and Con Ed, including the distribution portion of the service. Thus, insofar as the instant filing reflects rates for transmission only, it is alleged to be deficient. The Port Authority contends that the filing fails to comply with section 35.13 in other respects as well. Accordingly, the Port Authority requested that the filing be rejected or, in the alternative, be suspended for the full five-month period, and that Con Ed be required to amend its filing. On March 5, 1981, the Port Authority filed a notice of withdrawal of its request for suspension or rejection.

Con Ed filed a reply on February 6, 1981, to the Port Authority's petition. The company contends that the Commission has jurisdiction only over the transmission portion of its contract with PASNY. In support, Con Ed argues that local distribution is specifically exempted from FERC jurisdiction by Section 201(b) of the Federal Power Act.³ In the event that the Commission determines it has jurisdiction over the entire agreement between PASNY and Con Ed, the company contends it should decline to exercise such jurisdiction as a matter of policy. Finally, Con Ed asks that the Port Authority's petition to intervene or, in the alternative, its request for relief, be denied. Thus, neither intervenor, at present, challenges the rate level reflected in the instant filing or requests that the rates be suspended.

On the same date as it filed its notice of withdrawal of its request for rejection or suspension of the filing, the Port Authority filed a response to Con Ed's reply of February 6, 1981. In its response, the Port Authority reaffirmed its view that the Commission has jurisdiction over the entire contract, stating: that the rate for service under the PASNY-Con Ed agreement is a single, indivisible rate for delivery of power from generation to the point of consumption; that Con Ed's attempt to establish a rate for only the transmission portion of the service is contrary to legal precedent; and that the "local distribution facilities" exemption does not serve to oust this Commission of its jurisdiction over the PASNY-Con Ed Transmission Agreement.

³ 16 U.S.C. 824(b).

Discussion

Initially, we find that participation by PASNY and the Port Authority is in the public interest, and we shall therefore grant their petitions to intervene.

The Service Delivery Agreement between Con Ed and PASNY was originally filed with the Commission in November 1976, in Docket No. ER77-52. While Con Ed has consistently expressed the position that only the transmission portion of the service was jurisdictional, the question of jurisdiction has not been previously addressed on the merits.

Until 1927, state commissions exercised ratemaking jurisdiction over sales by public utilities of electric energy, including some energy transmitted across state lines. However, the Supreme Court determined, in *Public Utilities Commission of Rhode Island v. Attleboro Steam & Electric Co.*,⁴ that the states were constitutionally forbidden from fixing rates for sales at wholesale in interstate commerce. Largely in response to the "regulatory gap" created by the Attleboro decision, Congress enacted the Federal Power Act.

Section 201(b) of the Federal Power Act provides that the Act shall apply "to the transmission of electric energy in interstate commerce and to the sale of electric energy at wholesale in interstate commerce." The statute further provides that "[t]he Commission shall have jurisdiction over all facilities for such transmission or sale of electric energy, but shall not have jurisdiction, except as specifically provided * * * over facilities used in local distribution * * *". The Act seeks to achieve a balance of authority between the states and the federal government in the regulation of the electric utility industry and reflects a policy "that matters largely of a local nature, even though interstate in character, should be handled locally and should receive the consideration of local men familiar with the local conditions in the communities involved." *Duke Power Company v. F.P.C.*⁵ Thus, the Act provides a clear line of demarcation between those transactions which are jurisdictional and those which are not.⁶

The agreement which is the subject of the instant docket is unusual in that it provides for the delivery of power directly to PASNY's customers and contains elements of activities which sometimes may be regarded as distributional. Nonetheless, we find that

⁴ 273 U.S. 83 (1927).

⁵ 401 F.2d 930 (D.C. Cir. 1968).

⁶ *F.P.C. v. Southern California Edison Company*, 376 U.S. 205 (1964).

the agreement between PASNY and Con Ed provides for a single transaction which constitutes the transmission of electric energy in interstate commerce. The entire transaction comprises a service provided and billed to PASNY which, in turn, charges its customers.

We disagree with Con Ed's argument that the portion of the service which relates to the use of its distribution facilities is exempt under Section 201(b) of the Federal Power Act. The "local distribution facilities" exemption, upon which Con Ed relies, establishes a legal standard for distinguishing between companies which are "public utilities" as defined by the Federal Power Act and those which are not.⁷ It neither applies to nor deprives the Commission of jurisdiction over sales for resale or transmission in interstate commerce.⁸

While we find the entire service to be jurisdictional, we do recognize, however, the unusual circumstances which create a strong local interest in this docket. The Commission takes note of the historical link and the ongoing complementary relationship between the rates filed by Con Ed before this agency and those approved by the NYPSC in the company's retail rate proceedings. Finally, we note that the Service Delivery Agreement provides that, in the absence of mutual agreement by the parties, the NYPSC, as arbiter, may establish rates for Con Ed's service on behalf of PASNY, and that PASNY shall accept the New York Commission's decision as a matter of contract. While the parties cannot determine by contract that the New York regulatory authorities have jurisdiction over any or all of the services provided by Con Ed,⁹ the terms do evidence a recognition by Con Ed and PASNY of the local nature, in part, of the service, and the interest of the New York regulatory authorities in such matters.

In light of the foregoing and the particular circumstances which surround the instant filing, we intend to exercise our jurisdiction over this service; in this and future filings by Con Ed, by accepting the rate determinations of the NYPSC in the absence of a showing that the NYPSC has abused its discretion or violated a public policy, such as the policy against undue

discrimination. In other words, we shall not insist that the rates be developed, in all respects, according to the ratemaking practices of this Commission, but will accept the NYPSC's rate practices and determinations in the absence of a showing of abuse as described above.

In submitting rates for the remaining portion of the service, Con Ed may file cost support data derived from the NYPSC approved rates which is applicable to the service provided, on PASNY's behalf, to PASNY's customers. In subsequent cases concerning this service, Con Ed shall submit filings in accordance with this Commission's rules and regulations or seek appropriate waivers as it did in connection with the filing already made in this docket. In addition to our own independent analysis of the NYPSC-approved rates, we shall grant PASNY's customers three weeks from the date of this order to show that the rates do not comply with the standards set forth in this order.

In adopting this procedure, we do not abandon our statutory responsibilities in this or future proceedings. Our course of action is based upon, and confined to, the unusual facts present in this case, and serves the ends of comity and administrative efficiency, and at the same time fosters parity of rates between customers.

Accordingly, we shall accept Con Ed's March 27, 1981, filing as of March 20, 1981 and suspend it for one day, to take effect March 21, 1981, when Con Ed's latest retail rates, as approved by the NYPSC, went into effect. Because the company's filing does not reflect all components of the services performed on PASNY's behalf, we shall require it to file, within 30 days, revised rates in accordance with the views expressed herein. We shall act on this supplemental filing within 60 days of its submission, as provided in Section 205(d) of the Federal Power Act and, unless our analysis and the submissions of Con Ed or any intervenors indicates a contrary view, we shall also accept the revised rates for the full service effective March 21, 1981. To the extent necessary, we find that good cause exists to grant waiver of the notice and filing requirements.

The Commission Orders

(A) The petitions of the Port Authority and PASNY to intervene are hereby granted subject to the rules and regulations of the Commission, provided, however, that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and provided, further, that the admission of the intervenors shall not be

construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(B) Con Ed's filing on March 27, 1981, is hereby accepted for filing and suspended for one day, to become effective March 21, 1981.

(C) Within thirty (30) days of the issuance of this order, Con Ed shall file revised rate sheets which reflect all charges to be assessed PASNY in rendering the services performed pursuant to their Service Delivery Agreement.

(D) Waiver of the notice requirements is hereby granted.

(E) Waiver of the filing requirements is hereby granted.

(F) The Secretary shall promptly publish this order in the Federal Register.

By the Commission,
Kenneth F. Plumb,
Secretary.

[FR Doc. 81-18344 Filed 5-29-81; 8:45 am]
BILLING CODE 6450-95-M

[Docket No. TC81-51-000]

Consolidated Edison Co. of New York, Inc.; Petition for Declaratory Order

May 26, 1981.

Take notice that on April 15, 1981, Consolidated Edison Company of New York, Inc. (Petitioner), 4 Irving Place, New York 10003, filed in Docket No. TC81-51-000 a petition pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure (18 CFR 1.7) for an order declaring that purchases of excess pipeline gas specifically for the purposes of displacing oil that otherwise would be used to generate electricity and steam would be afforded curtailment protection similar to that now provided by § 284.206 of the Commission's Regulations, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that it purchases gas from its pipeline suppliers under contracts which contain specific demand limits and that at times when the pipeline is not curtailing sales, under those contracts Petitioner on any given day can demand that the pipeline deliver an amount equal to the contract limit, but no more. It is indicated that Transcontinental Gas Pipe Line Corporation (Transco) has notified Petitioner that during this summer season "excess" gas may be available for purchase and that this is gas over

⁷ *Connecticut Light & Power Company v. F.P.C.*, 324 U.S. 615 (1945). And Con Ed is unquestionably a public utility within the meaning of the Power Act.

⁸ *Indiana & Michigan Electric Company v. F.P.C.*, 365 F.2d 150 (7th Cir. 1966) cert. den. 385 U.S. 972 (1966).

⁹ In this regard, we note that the Service Delivery Agreement specifically provides that the procedure referred to above does not constitute a recognition by PASNY of NYPSC jurisdiction over the contract.

and above the contract demand needs and can be sold by Transco under the terms of its tariff, when available. Applicant states that it would be in a position to purchase some of that gas and to use it as boiler fuel to generate steam and electricity, and that by so doing, it would accomplish a number of benefits for its consumers, for other customers on the Transco system, and for the national interest.

It is stated that in order for these benefits to be realized, however, the potential detriment to Petitioner's gas consumers, if the gas is purchased without some curtailment protection, should be eliminated. It is asserted that if the Commission were to implement fixed base period curtailment plans in the future, which plans based the allocation of natural gas upon the amount of gas used during a time period when Petitioner (or a similarly situated customer) were using excess pipeline gas rather than fuel oil and those volumes and usages were included in the curtailment data, the customer serving the excess gas user would be curtailed based upon a greater proportion of low-priority load than is in fact usually served by its system. Thus, Petitioner maintains, this short-term participation in an excess gas purchase might subject the distributor (and its consumers) to a greater risk of curtailment over the life of a new curtailment plan and that the curtailment protection provision set forth in Section 248.206 of the Regulations would help to alleviate that risk. Accordingly, Petitioner requests that the Commission issue an order stating that if Petitioner (or a similarly situated company) purchases "excess" gas from Transco (or from other similarly situated pipeline suppliers) which gas would be used to displace oil.

All volumes of natural gas purchased by an eligible user and transported by an interstate pipeline pursuant to this subpart shall not be considered as either a natural gas supply or market in a determination of an interstate pipeline's customers' requirements for present or future allocations of natural gas during periods of natural gas curtailment.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-16245 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4575-000]

Crown Zellerbach Corp.; Application for Preliminary Permit

May 28, 1981.

Take notice that Crown Zellerbach Corporation (Applicant) filed on April 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16, U.S.C. 791(a)-825(r)] for Project No. 4575 known as the Big Quilcene Hydroelectric Project located on the Big Quilcene River in Jefferson County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: ANVIL Corporation, 1675 W. Bakerview Road, Bellingham, Washington 98225.

Project Description—The proposed project would consist of: (1) an existing rock-filled, log-crib with wood planking diversion dam; (2) intake structure; (3) a 4.5-mile long pipeline; (4) a surge tank; (5) a 2,400-foot long penstock; (6) a powerhouse to contain two pelton-type, turbine-generating units with a total rated capacity of 10 MW; and (7) a 1.5-mile long, 12-kV transmission line to connect to an existing Puget Sound Power and Light Company transmission line. The Applicant estimates that the average annual energy output would be 50 million kWhs.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would prepare a definitive project report that would include engineering, economic, and environmental data. The cost of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application are estimated to be about \$200,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 7, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c)

(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 6, 1981.

Agency Comments—Federal, State and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 7, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. Copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-16263 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4318-000]

Darobsum, Inc.; Application for Preliminary Permit

May 27, 1981.

Take notice that Darobsum, Inc. (Applicant) filed on March 10, 1981, an application for preliminary permit

[pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4318 to be known as Noone Mills Project located on the Contoocook River at Peterborough in Hillsborough County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Timothy P. Brown, Jr., Darobsum, Inc., Box 592, Keene, New Hampshire, 03431.

Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of existing project works including: (1) Noone Mills dam owned by the Applicant, a composite concrete, timber, and stone dam, 267 feet long and 20 feet high, with a 102-foot long center spillway section and a second spillway section 55 feet long at the right (east) abutment; (2) a reservoir with 315 acre-feet of storage at surface elevation 754 feet m.s.l.; (3) an intake structure and bar rack at the left (west) abutment connecting to an abandoned penstock 5.5 feet in diameter and 100 feet long; and new project works to include: (4) a new penstock 176 feet long; (5) a new powerhouse with unit(s) having an installed capacity of 300 kW; (6) a tailrace; and (7) other appurtenances.

The Applicant estimates that the average annual energy output would be 1,200,000 kWh.

Purpose of Project—Project energy would be sold to the Public Service Company of New Hampshire.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would perform hydraulic, construction, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for an FERC license. Applicant estimates cost of studies under the permit would not exceed \$15,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to American Hydro Power Company's Project No. 3616 filed on October 27, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 30, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4318. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower

Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-16264 Filed 5-29-81; 8:45 am]
BILLING CODE 8450-85-M

[Docket No. EL81-5-000]

Edison Electric Institute; Order Granting Intervention, Granting Rehearing for Purpose of Receiving Further Comments, and Clarifying Prior Order

Issued: May 26, 1981.

By order issued March 27, 1981, the Commission determined that persons serving as officers or directors of public utilities and officers or directors of commercial banks were authorized to hold such positions upon a minimal filing provided that the subject banks did not engage in the underwriting or marketing of public utility securities, including commercial paper. If, however, the subject banks engaged in underwriting or marketing public utility securities, including commercial paper, such persons were required to seek individual authorization pursuant to Part 45 of the Commission's regulations. 18 CFR Part 45 (1980).

On April 10, 1981, the Continental Illinois National Bank and Trust Company of Chicago (CINB) petitioned to intervene out of time. On April 24, 1981, CINB filed an application for rehearing. CINB states that it is a commercial bank with two directors who also serve as directors of public utilities and that it has numerous relationships with public utilities subject to the Commission's jurisdiction. CINB argues that it did not receive adequate notice of this proceeding and so it did not previously petition to intervene. The comments and analysis of CINB and of the commercial banking industry, CINB submits, would have been and will be of great benefit to the Commission in this proceeding. Moreover, CINB argues that the Commission improperly determined that commercial banks are authorized to underwrite or market public utility securities and that the Commission's authority thus extends to interlocks between public utilities and commercial banks. Finally, CINB argues that the holding of such interlocks does not adversely affect public or private interests. CINB asks in the alternative

that the Commission (1) reverse its order of March 27, 1981 and find that commercial banks are not authorized to underwrite or market public utility securities; (2) vacate its order of March 27, 1981 and permit all interested parties to address the merits of the questions before the Commission; or (3) stay its order of March 27, 1981 until the actions now ongoing in the courts are resolved.

We find that CIB's participation in this proceeding is in the public interest and that good cause exists to grant the untimely petition. Accordingly, we shall grant CIB's petition to intervene out of time. In this instance, we also believe that further input from interested persons should be permitted. CIB has requested an opportunity to comment further on the structure of the commercial banking industry and how it would be affected by our order of March 27, 1981 in this proceeding. Because the commercial banking industry is one with which the Commission does not ordinarily have direct involvement, we believe that it is appropriate to grant CIB's request to comment further and to afford an additional opportunity for comment to all interested persons. Accordingly, we shall invite interested persons, whether or not parties, to file responses to the application for rehearing or additional comments on our prior order in the form of briefs, to be submitted within forty-five days of the issuance of this order.

We shall further amend our prior order to resolve the ambiguities that may have resulted and to clarify the Commission's intent, particularly with regard to the filing requirement found in ordering paragraph (C) of that order. These clarifications also respond to allegations of a technical violation of the Paperwork Reduction Act of 1980.

The Commission orders:

(A) The petition to intervene is hereby granted subject to the rules and regulations of the Commission; *Provided, however,* That participation by the intervenor shall be limited to matters set forth in its petition to intervene; and *Provided further,* That the admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(B) The application for rehearing is hereby granted for purposes of further hearing. Responses to the application for rehearing and additional comments on the order issued March 27, 1981 in this proceeding are invited from any interested persons, whether or not parties, within 45 days of the issuance of this order.

(C) Ordering paragraphs (A), (B), and (C) of the Commission's order issued March 27, 1981 in the instant docket are hereby amended to read as follows:

(A) Until further order of this Commission, any person holding the positions of officer or director of a public utility and officer or director of a bank subject to the provisions of the Glass-Steagall Act is authorized to hold such positions on an interim basis; *Provided,* That the subject bank does not engage in the underwriting or participate in the marketing of securities of a public utility, including commercial paper; and *Provided, further,* That such person files the statement required in Paragraph (C) below.

(B) Until further order of this Commission, no person holding the positions of officer or director of a public utility and officer or director of a bank subject to the provisions of the Glass-Steagall Act is authorized to hold such positions if the subject bank engages in the underwriting or participates in the marketing of securities of a public utility, including commercial paper, unless that person has obtained authorization to hold such positions pursuant to section 305(b) of the Federal Power Act and Part 45 of the Commission's regulations. Those persons who wish to continue to hold such positions shall file an application for authorization pursuant to Part 45 of the Commission's regulations within either forty-five days of the date the subject bank engages in the underwriting or participates in the marketing of securities of a public utility, including commercial paper, or within 45 days of the date of issuance of this order, whichever is later.

(C) Until further order of this Commission, the full requirements of Part 45 of the Commission's regulations, except as required below, are hereby waived with respect to those persons subject to Paragraph (A) above. In lieu of the full requirements of Part 45 of the Commission's regulations, those persons shall file an application providing only the following information:

- (1) Full name and business address;
- (2) All public utilities with which the person holds the positions of officer or director, and identifying those positions;
- (3) All banks subject to the provisions of the Glass-Steagall Act with which the person holds the positions of officer or director and identifying those positions.

(C) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission,
Kenneth F. Plumb,
Secretary.

[FR Doc. 81-16271 Filed 5-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP78-443]

El Paso Natural Gas Co.; Petition To Amend

May 26, 1981.

Take notice that on April 28, 1981, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP78-443 a petition to amend the order, issued January 12, 1979, as amended, in said docket so as to authorize certain revisions in Petitioner's transportation and delivery arrangement with Southwest Gas Corporation (Southwest) under Petitioner's Rate Schedule T-15, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The petition indicates that the currently effective Rate Schedule T-15 is comprised of a gas transportation agreement, dated June 30, 1978, which provides for the transportation by Petitioner of up to 2,500 Mcf of natural gas per day and the delivery of such gas, less shrinkage, to Southwest, on a best efforts basis, at various existing delivery points within Arizona and at the Arizona-Nevada boundary.

Petitioner states that it has been advised by Southwest that it desires to modify the T-15 arrangement to provide one additional delivery point, the Ignacio delivery point, an existing interconnection between the facilities of Petitioner and Northwest Pipeline Corporation (Northwest) in La Plata County, Colorado. It is asserted that the Ignacio delivery point would enhance Southwest's ability to enter into arrangements with Northwest and possibly other companies for the purpose of permitting greater flexibility in deliveries of natural gas to Southwest's northern Nevada system. Southwest has agreed to pay Petitioner for each Mcf of gas delivered on any day at such point, the rate in effect and reflected from time to time as the Mainline Transmission Charge—New Mexico as set forth in Sheet No. 1-D.2 of Petitioner's FERC Gas Tariff, Third Revised Volume No. 2, or superseding tariff. In order to provide greater flexibility in the future utilization of the T-15 arrangement, Petitioner and Southwest have agreed that the Petitioner delivery points may be used for deliveries of natural gas to a third

party for the account of Southwest. Additionally, Applicant states that the parties have agreed to certain changes in Appendix A, *General Terms and Conditions*, respecting the billing and payment provisions contained in the transportation agreement.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-16253 Filed 5-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-308-000]

El Paso Natural Gas Co.; Application

May 26, 1981.

Take notice that on April 28, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-308-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain minor tap and related facilities in Mohave County, Arizona, in order to provide an interconnection between the facilities of Applicant and Pataya Storage Company (Pataya) and the transportation and delivery to Southwest Gas Corporation (Southwest) of natural gas withdrawn from the Pataya storage field for the purpose of assisting Southwest in maintaining service to its customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Southwest is one of its distributor customers currently purchasing its base supply of gas required to service its southern Nevada, central Arizona and southern Arizona systems and that since 1973, Southwest has experienced curtailment of natural gas deliveries to its Priority 3 and 5

customers throughout those service areas which receive base gas supply from Applicant. It is indicated that since 1975, Southwest has been actively engaged in a self-help supplemental natural gas procurement program for the protection and continued growth in its Priority 1 and 2 requirements of its customers. Southwest now desires to have volumes of its excess supplemental gas supplies injected into storage in order to make more efficient use of all of the natural gas supplies available to it. The application shows that Southwest has entered into arrangements with Pataya for the injection into, storage and withdrawal from Pataya's proposed storage field in Mohave County of up to 3,000,000 Mcf of gas per year, or with greater cycling in excess of 3,000,000 Mcf per year.

In order to assist Southwest, Applicant has agreed to receive up to 54,000 Mcf of gas per day for Southwest at various points of receipt, to transport such gas and to deliver the gas to Pataya at the proposed interconnection in Mohave County. To provide for such service, Applicant and Southwest would enter into amendatory agreements to existing gas transportation agreements to establish the proposed interconnection as an additional delivery point. Further, in order to assist Southwest in withdrawing gas from storage, Applicant has agreed to accept at the proposed interconnection with Pataya up to 100,000 Mcf of storage gas per day, to transport such gas and deliver equivalent quantities to Southwest at certain existing points of delivery in Arizona and on the Arizona-Nevada border and at the Ignacio delivery point in Colorado. Applicant and Southwest have entered into a transportation agreement, dated April 13, 1981, covering this proposed service. Under the agreement, Southwest would compensate Applicant for the back-haul transportation service by the payment of a one-cent administrative fee for each Mcf of gas withdrawn from storage for transportation and delivery.

The total cost of the proposed facilities is estimated to be \$128,319 which would be reimbursed by Southwest.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All

protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice, that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-16254 Filed 5-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4560-000]

Hackett Mills Hydro Co.; Application for Preliminary Permit

May 28, 1981.

Take notice that Hackett Mills Hydro Company (Applicant) filed on April 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 18 U.S.C. 791(a)-825(r)] for proposed Project No. 4560 to be known as the Hackett Mills Project located on the Little Androscoggin River in the towns of Poland and Minot, Androscoggin County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Tom Sturdevant, P.O. Box 403, Portland, Maine 04112. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize existing facilities

and would consist of: (1) an 8-foot high, 120-foot long, rock-filled timber-crib dam with new 3-foot high flashboards to be added; (2) a reservoir with no storage capacity and a normal water surface elevation with flashboards of 238 feet m.s.l.; (3) canal headworks; (4) a 100-foot long, 25-foot wide, 6-foot deep power canal; (5) a powerhouse containing two, existing, hydromechanical units to be reconditioned and connected to new generators with a rated capacity of 125 kW each and an additional new turbine-generator unit to be installed with a rated capacity of 300 kW; (6) a transmission line; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,500,000 kWh.

Purpose of Project—Energy produced at the project would be sold to Central Maine Power Company.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The Applicant has estimated that the cost of studies under the preliminary permit would be \$15,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 7, 1981, either the

competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 7, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4580. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-18285 Filed 5-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-323-000]

International Paper Co.; Application

May 26, 1981.

Take notice that on May 7, 1981, International Paper Company (Applicant), International Paper Plaza, 77 West 45th Street, New York, New York 10036, filed in Docket No. CP81-323-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 600 Mcf of natural gas per day owned by Applicant from the Lake Erling Field, Lafayette County, Arkansas, to Springhill, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport natural gas on its own behalf from the Lake Erling Field by means of an existing 6-inch pipeline owned by Applicant and operated by Superior Oil Company (Superior) to the Applicant and Arizona Chemical Company facilities at Springhill. Certification of the facilities to be used for the transportation is also sought. The subject pipeline extends approximately 10.5 miles from Lafayette County, Arkansas, to Applicant's plant in Webster Parish, Louisiana. The natural gas transported is consumed in space heating equipment and boilers in applicant's and Arizona Chemical Company's facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16255 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4579-000]

**James B. and Janet A. Boyd;
Application for Preliminary Permit**

May 27, 1981.

Take notice that James B. and Janet A. Boyd (Applicant) filed on April 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4579 known as the Jim Boyd Water Power Project located on the Umatilla River in Umatilla County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William N. Reynolds, Michener Associates, Inc., P.O. Box 650, 505 Willamette, Umatilla, Oregon 97838.

Project Description—The proposed project would consist of: (1) a 6-foot high by 72-foot long intake structure; (2) a 600-foot long unlined canal; (3) a 60-foot long, 96-inch diameter penstock; (4) a powerhouse to be located at the site of an abandoned Pacific Power and Light Company powerhouse and to contain two turbine-generating units with a total rated capacity of 400 kW; and (5) a 600-foot long, 13.8-kV transmission line to connect to an existing PP & L transmission line. The entire project would be located on land owned by the Applicant. The Applicant estimates that the average annual energy output would be 2.6 million kWhs.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months to study the feasibility of constructing and operating the proposed project. The Applicant estimates that the cost of the feasibility studies would be about \$32,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 5, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 5, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 5, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16290 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-316]

**Montana-Dakota Utilities, Inc.;
Technical Conference**

May 26, 1981.

Take notice that at 10:00 a.m. on June 17, 1981 Staff will meet with representatives of the above-captioned company for the purpose of a technical discussion on the justification and need for expedient Commission action on all or part of the facilities and service proposed in the above docket.

The conference will be held in room 3200 of the Commission's offices at 941 North Capitol Street, N.E., and all interested parties may at their option attend.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16249 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-316-000]

**Montana-Dakota Utilities Co.;
Application**

May 28, 1981.

Take notice that on May 1, 1981, Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP81-316-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing: (1) the construction and operation of facilities; (2) the sale and delivery of excess natural gas to Colorado Interstate Gas Company (CIG) and MIGC, Inc. (MIGC), formerly McCulloch Interstate Corporation; and (3) the storage of some of the excess gas and redelivery thereof to CIG, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that MDU would soon experience an oversupply of gas on its system such that its pipeline and storage facilities would be filled to capacity, thus precluding MDU from taking any more gas supplies into its system. The oversupply situation, according to MDU, would also effectively preclude it from negotiating and contracting for the acquisition of future reserves to

maintain MDU as a viable pipeline supplier.

MDU states that the instant application presents two proposals for relieving this oversupply situation so that it can continue to secure system gas reserves. First, MDU requests authorization to construct and operate compressors and loop line facilities for the transportation of supplies of gas to MDU's Elk Basin Field for injection into storage. MDU states that, because of the oversupply on its system, it anticipates that its Baker Storage field would be filled to capacity by this summer. According to MDU, its Elk Basin Field can accommodate some of the overflow from Baker if the gas can be transported in a westerly direction along MDU's Cabin Creek to Elk Basin system to the Elk Basin Storage Field. Because of the capacity limitations on the Cabin Creek to Elk Basin system, however, it says it cannot now transport all the excess volumes to Elk Basin. The facilities proposed herein, it is stated, would enable MDU to transport the gas through the Cabin Creek-Elk Basin system for injection into the Elk Basin Storage Field. The second part of MDU's proposal, it says, involves the authorization to sell and deliver to MIGC certain volumes of excess gas pursuant to a gas sales and transportation contract dated April 20, 1981. Additionally, MDU says it is requesting authorization to sell and deliver, and store and redeliver to CIG, certain volumes of excess gas. Sales and services under the agreements, according to MDU, are proposed to commence on July 1, 1981. It is stated that the gas sold under each contract represents volumes in excess of MDU's integrated system requirements.

MDU states that many of the new supply sources it has acquired and which have resulted in its oversupply situation are located in North Dakota. In the past, according to MDU, those volumes in excess of day-to-day system requirements were primarily stored in its Baker Storage Field. It is stated, however, that the recent oversupply situation has required the injection of gas into the Baker Field at such rates that soon the field would have no remaining injection capacity.

According to MDU, it does have limited available storage capacity in its Elk Basin Storage Field. Due to current capacity limitations on its Cabin Creek-Elk Basin System, however, MDU says it is unable to move the overflow volumes from Baker to Elk Basin. Consequently, MDU says it is now proposing herein to construct certain facilities along the Cabin Creek-Elk Basin System that

would allow it to transport the overflow gas for injection into Elk Basin.

These facilities, it is stated, would consist of approximately 13.7 miles of transmission looping facilities extending from a point in Carbon County, Montana, to the Elk Basin Compressor Station located in Park County, Wyoming. The estimated cost of the facilities, according to MDU is \$1,795,300.

It is further stated that, in order to accommodate the increased volumes flowing to Elk Basin, MDU must construct and install certain compression facilities along the Cabin Creek-Elk Basin System consisting of

- (1) two Solar 3730 horsepower Centaur Turbine compressor sets at a new compressor station to be located near Hathaway, Montana on the Worland-Cabin Creek Line at an estimated cost of \$4,182,600,

- (2) two Superior 1100 horsepower compressors and appurtenant facilities to be located at the existing Elk Basin Compressor Station at an estimated cost of \$1,414,800, and

- (3) certain piping modification at the Elk Basin Compressor Station yard area at an estimated cost of \$839,800.

MDU says these facilities are necessary not only to accommodate the increased volumes that would be injected into Elk Basin, but also to handle the gas injected and withdrawn for the account of CIG under that portion of the CIG arrangement where MDU would store gas for CIG's account and redeliver such volumes out of storage during the months of October through March.

Regarding MDU's off-system sales of excess gas to CIG and MIGC, MDU states that the gas supply for these proposed sales is based on contracts for the purchase of gas at the tailgates of the following processing plants:

- (1) the McKenzie Plant, located in McKenzie County, North Dakota,
- (2) the TR Plant, located in Billings County, North Dakota,
- (3) the Little Knife Plant, located in Billings County, North Dakota.

MDU says that, since some of the volumes from these three plants are excess to the needs of its interstate system, MDU proposes to sell them to CIG and MIGC.

According to MDU, under its sales and storage arrangements with CIG, MDU would deliver and sell, every day, a portion of the gas received by MDU at the three sources to CIG at two major delivery points. MDU says the first such point is an interconnection to be constructed between MDU's and MIGC's transmission facilities in the Recluse area, Campbell County,

Wyoming. From that point of interconnection, according to MDU, MIGC would transport and deliver the gas to CIG at an existing interconnection between MIGC and CIG in Converse County, Wyoming. MDU says it expects that daily deliveries to CIG between July 1981 and June 1991, would be as follows:

Dates	Volumes (mcf)
July 1981 to September 1981	10,000
October 1981	16,400
November 1981 to March 1982	16,900
April 1982 to June 1982	16,400
April 1982 to September 1982	16,400
October 1982	16,400
November to March (1983-1991)	16,900
April to October (1983-1991)	16,400

MDU says the second major delivery point is an interconnection to be constructed between MDU's and CIG's transmission facilities near the Elk Basin Storage Field. During the summer period, it says, the volumes not delivered at the Recluse Delivery point could, in part, be sold to CIG and stored by MDU for CIG's account in MDU's Elk Basin storage facilities, and, in part, be delivered and sold directly to CIG and transported by CIG through its Elk Basin to Madden Line where it would be commingled with other CIG system supplies.

It is stated that the gas to be stored for CIG's account would be delivered and sold to CIG at CIG's existing compressor station located in Park County, Wyoming. MDU says that CIG would compress the gas and deliver it back to MDU for injection into the Elk Basin Storage Field. According to MDU, during the winter months, it would redeliver the gas to CIG.

MDU says that, in order for CIG to transport and deliver the compressed gas to the Elk Basin facilities for injection, CIG would have to construct approximately 1.7 miles of 12-inch line from the compressor plant to a point of redelivery at MDU's Elk Basin Plant located in Park County, Wyoming. According to MDU, the flow on that new proposed line would reverse during the withdrawal period, and the gas would then be delivered by MDU at the Elk Basin Plant into CIG's line for transportation to an existing interconnection between CIG's compressor plant and its Elk Basin to Madden Line.

MDU states that the gas delivered and sold directly to CIG would also occur at the CIG Compressor Station Delivery Point, but would then be transported by CIG through its Elk Basin to Madden Line.

It is stated that the term of the CIG arrangement would be fifteen years, divided into three, five-year service periods. During the first five years, according to MDU, it would deliver, on a firm basis, up to 17,850,000 Mcf per year. If the three sources of gas set forth above are insufficient to meet MDU's firm obligations, MDU says it would amend the agreement to add other specific sources of supply as necessary to fulfill its firm service obligation. During the second five years, according to MDU, it would sell, on a best efforts basis, up to 8,175,000 Mcf annually. If the supplies from the original three sources of supply are not then sufficient to supply 8,175,000 annually, it says, MDU would not be under any obligation to, commit additional sources of supply, but may do so in the exercise of its efforts. During the third five-year period, according to MDU, volumes committed to the sale would be those available to MDU at the designated supply sources, which in MDU's sole discretion are in excess of MDU's system requirements. MDU would not, it says, commit any of its general system supply to the performance of the sale.

According to MDU, the contract between it and MIGC is purely a sales and transportation arrangement. Following its purchase of volumes at the three plant-sources described above, MDU says it would resell a portion of such volumes to MIGC at the tailgate of those plants and that it would then transport the gas for MIGC's account for redelivery at the Recluse Delivery Point.

The term of the contract, according to MDU, is ten years, divided into two five-year service periods. During the first period, MDU says, it would sell and redeliver, on a firm basis, up to 3,650,000 Mcf per year. During the second five years, MDU says, it would sell and deliver, on a best efforts basis, up to 1,825,000 Mcf annually.

It is stated that, in order to sell and deliver gas directly to CIG and MIGC, and in order to store and redeliver gas for CIG, MDU would have to construct and install certain new facilities and modify certain existing facilities, as follows:

(1) modification of present plant facilities at the Fourche Compressor Station, Butte County, South Dakota at an estimated cost of \$822,000, and the construction of a check measurement station at the Recluse Delivery Point at an estimated cost of \$72,600.

(2) construction of a measurement station for delivery of gas to CIG at CIG's Elk Basin Compressor Station at an estimated cost of \$88,200, as well as the modifications to piping facilities in MDU's Elk Basin Compressor Station

Yard and construction of compressors and looping facilities for the Cabin Creek-Elk Basin System as described above.

MDU also says that it is requesting blanket authority to add or delete sources of supply and delivery and redelivery points necessary to effectuate the sales, transportation, and storage services described herein. According to MDU, such blanket authorization would only apply in cases where such additions and deletions do not entail facility construction.

According to MDU, since it would be rendering two different kinds of service under the proposed agreement with CIG, it is proposing two rates; for those volumes stored for CIG's account and redelivered to CIG MDU proposes an initial rate of 378.762 cents per Mcf; for those volumes sold and delivered directly to CIG, where there is no storage service, MDU proposes an initial rate of 361.992 cents per MCF. Both rates, it says, include the cost of the gas purchased at the three sources of supply, transportation costs, and storage costs (if applicable).

Under the MIGC contract, MDU says MIGC would pay the weighted average price that MDU pays for gas available at the sources of supply. In addition, it says, MIGC would pay a transportation charge for volumes redelivered to MIGC at the Recluse Delivery Point, which proposed initial transportation charge is 22.083 cents per Mcf.

MDU says the rates proposed herein for the cost of gas are not based on the system average cost of gas. Instead, MDU says, it is proposing to assign the cost of gas directly to CIG and MIGC which method would insure that MDU's system customers are neither disadvantaged by the sales nor are they "subsidizing" the sales to MDU's off-system customers.

MDU says that since the sales contemplated in this application are sales to off-system customers, the Commission must declare that the arrangements described are not subject to the provisions of MDU's FERC curtailment plan which was approved by the Commission by its order of November 30, 1979, in Docket No. RP18-91. According to MDU, the plan currently limits it to 7,500 new connections per year, all of which must be for Priority 1 users. MDU says it is requesting that the sales to CIG and MIGC be declared not subject to this limitation since the addition of these sales would not result in any curtailment for MDU's regular customers.

MDU says it will finance the various proposals described herein by means of

internally generated funds or short-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practices and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity.

If a petition for lease to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-10207 Filed 5-20-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ST81-260-000]

Mustang Fuel Corp.; Petition for Approval of Rates

May 26, 1981.

Take notice that on May 1, 1981, Mustang Fuel Corporation (Mustang), 1100 First National Center East, Oklahoma City, Oklahoma 73102, filed in Docket No. ST81-260-000 a petition for approval of rates and charges for transportation of gas pursuant to Subpart C of Part 284 of the Commission's Regulations and Section 311(a) of the Natural Gas Policy Act of

1978 (NGPA) on behalf of El Paso Natural Gas Company (El Paso), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Mustang says that it and El Paso have entered into a transportation agreement dated January 9, 1981, under which Mustang would transport natural gas as authorized by Section 311(a)(2) of the NGPA. Mustang states that the transportation agreement contemplates transportation of gas resold by Oklahoma Gas and Electric Company (OG&E) to El Paso pursuant to a gas resale agreement dated January 9, 1981, together with other gas directly contracted for by El Paso in the State of Oklahoma which is reasonably accessible to Mustang's pipeline system. Mustang advises that the total daily quantity which El Paso would be required to take or pay for under said gas resale agreement and under its own Oklahoma gas purchase contracts, expressed in Mcf per day, constitutes the minimum "Contract Demand" under said transportation agreement. Mustang states further that the initial contract demand shall be deemed to be 130,000 Mcf based on anticipated quantities to be transported.

According to Mustang, El Paso would pay to Mustang a monthly amount for services rendered under said transportation agreement computed by multiplying El Paso's Contract Demand by the initial rate herein applied for of 22.29 cents per Mcf times 365/12, rounded to the nearest one-tenth of a cent. Mustang further states that the 22.29 cents per Mcf rate is based on a recently completed cost of service study, and that the cost of service study contains an allocation between the cost of service to OG&E and El Paso effective the date of first deliveries to or on behalf of El Paso. The cost of service was first determined, according to Mustang, for its entire gas transmission activities. Mustang says that, due to El Paso's furnishing its gas costs in kind, all gas costs included in the cost of service were directly assigned to OG&E.

Mustang advises that if it accepts, transports and redelivers on any day a quantity of gas in excess of El Paso's contract demand, the amount payable is adjusted upwards to reflect the greater quantity of gas handled, and that if it does not accept, transport and redeliver the contract demand on any day, when requested to do so by El Paso, the amount payable is adjusted downward to reflect the lesser quantity of gas handled.

Mustang says that it is to review periodically (at intervals not less than once each year) its rates to El Paso,

coincident with its review of rates and charges to OG&E, and where applicable, is to file applications for changes in its rates to reflect changes in its cost of service and/or the allocation thereof between El Paso, OG&E and others since the last rate filing.

Mustang states that the elections otherwise available to an intrastate pipeline under § 284.123(b)(1) are not available to it inasmuch as Mustang has no rate schedules on file with the Oklahoma Corporation Commission covering city-gate service or transportation service of the nature proposed to be rendered on behalf of El Paso. Neither that Commission nor any other state regulatory agency, according to Mustang, establishes transportation rates permitted to be charged by Mustang to its intrastate customers.

Accordingly, this Petition is filed pursuant to § 284.123(b)(2) of the Regulations, according to Mustang, with the request that the Commission determine, by order, that an initial rate of 22.29 cents per Mcf is fair and equitable for the service proposed to be rendered by Mustang.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16246 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4471-000]

Public Utility District No. 1 of Ferry County; Application for Preliminary Permit

May 28, 1981.

Take notice that Public Utility District No. 1 of Ferry County (Applicant) filed on April 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4471 to be known as Barstow Project located on the Kettle River in Ferry and Stevens

Counties, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Kenneth R. Coyle, Public Utility District No. 1 of Ferry County, 686 S. Clark Avenue, P.O. Box 324, Republic, Washington 99166. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 60-foot high and 380-foot long concrete gravity dam with a gate controlled spillway, impounding; (2) a 520-acre reservoir; (3) an intake structure; (4) a powerhouse to be located at the toe of the dam and containing two generating units, each rated at 7,500-foot kW; and (5) a 14-mile long transmission line. A new 1,500-foot long access road would be constructed to the project site.

The Applicant estimates that the average annual energy output would be 58 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Bonneville Power Administration.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, geotechnical, environmental, feasibility, and economic studies, and prepare an FERC license application. A new temporary gravel road will be required to conduct the studies. Applicant proposes to make test borings at the new dam and powerhouse sites. The cost of the work to be performed under the preliminary permit is estimated to be \$150,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues

relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 20, 1981, either the competing application. Submission of a timely notice of intent allows an interested person to file the competing application itself or a notice of intent to file a competing application no later than September 18, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures, specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4471. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent

to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16266 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-334-000]

Southern Natural Gas Co.; Application

May 26, 1981.

Take notice that on May 13, 1981, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP81-334-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the establishment of a positive displacement meter and appurtenances at its Tuscaloosa, Alabama, No. 1 Meter Station, to provide more efficient and accurate measurement of natural gas transported through said station, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Applicant delivers natural gas through the Tuscaloosa station to Alabama Gas Corporation (Alagasco) at a contract delivery pressure of 250 psig. Alagasco has requested Applicant to increase the pressure in order that Alagasco may be able to increase the pressure at which it delivers gas to one of its customers near the Tuscaloosa station. The proposed facilities would be used in conjunction with the existing orifice meter to ensure the accurate and efficient measurement of gas delivered at pressures above the contract pressure.

The proposed facilities are estimated to cost \$47,500, to be reimbursed by Alagasco.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will

be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16247 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-296-000]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Application

May 26, 1981.

Take notice that on April 22, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), filed in Docket No. CP81-296 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation of natural gas for certain pipeline and distribution companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization (1) to render a transportation service for 14 pipeline and distribution companies which are shareholders of Boundary Gas, Inc. (Boundary Gas customers) in the New England area and in New York and New Jersey, 13 of which are existing customers of Applicant, and (2) to construct and operate certain pipeline loop, compression, measurement and

other related facilities which would be required to enable Applicant (a) to render such transportation services for the Boundary Gas customers and (b) to receive into its system up to 300,000 Mcf of natural gas per day to be purchased by Applicant from TransCanada Pipelines Limited (TransCanada) and imported on a firm basis for Applicant's own general system supply plus any excess volumes available for purchases on a best efforts basis.

Applicant states that Boundary Gas proposes to import up to \$185,000 Mcf of gas per day purchased from TransCanada at the existing interconnection between the facilities of Applicant and TransCanada on the international border near Niagara Falls, New York, for resale to the Boundary Gas customers and that Applicant would simultaneously receive such gas at that point for the accounts of each of the Boundary Gas customers. After deducting certain volumes for fuel and use requirements, Applicant proposes to redeliver up to the following daily volumes to each customer:

Customer	Maximum quantity (Mcf)
Redelivered in Applicant's Canadian Gas Transportation Niagara Spur Rate Zone	
National Fuel Gas Supply Co.	9,000
Redelivered in Applicant's Canadian Gas Transportation New York Rate Zone	
The Brooklyn Union Gas Co.	40,000
Consolidated Edison Co. of New York, Inc.	40,000
Long Island Lighting Co.	23,000
New Jersey Natural Gas Co.	14,000
Subtotal, New York rate zone	117,000
Redelivered in Applicant's Canadian Gas Transportation New England Rate Zone	
Bay State Gas Co.	18,000
The Berkshire Gas Co.	2,000
Boston Gas Co.	13,156
The Connecticut Gas Co.	9,000
Fitchburg Gas & Electric Light Co.	1,000
Gas Service, Inc.	1,000
Haverhill Gas Co.	3,044
Manchester Gas Co.	2,029
Valley Gas Co.	2,012
Subtotal, New England rate zone	51,241
Total daily transportation volume	177,241

Applicant states that the proposed transportation services would be rendered in accordance with the terms of the *pro forma* Canadian gas transportation contract and *pro forma* Rate Schedule CGT. The proposed transportation services would be rendered for ten years and may be provided for an additional period of up to one year to enable the Boundary Gas customers to receive make-up gas.

Applicant states that the Boundary Gas customers have agreed that Applicant should be permitted to charge rates sufficient to enable it to recover

from those customers its full annual cost of service applicable to that portion of Applicant's facilities required to be constructed to render such service from the date deliveries commence, including a fair return and a depreciation rate that would ensure recovery by Applicant of its investment in these facilities by the end of the ten-year term.

Applicant asserts that there is both a national and regional need for the gas proposed to be imported by Boundary Gas and that without such additional gas supply, the Boundary Gas customers would be unable to meet their customer requirements during the 1980's. Additionally, Applicant asserts that the proposed facilities are also required to permit Applicant to import and make available for its general system supply additional volumes of up to 300,000 Mcf of gas per day plus any available excess volumes. It is said that these additional volumes would be purchased pursuant to the terms of the precedent agreement and *pro forma* gas purchase contract between Applicant and TransCanada, dated November 5, 1980, as amended, providing for the sale and purchase of up to 100,000 Mcf per day plus any available excess volumes and precedent agreement and *pro forma* gas purchase contract, dated January 9, 1981, providing for the sale and purchase of up to 200,000 Mcf per day plus any available excess volumes.

It is proposed that Applicant would construct and operate facilities consisting of approximately 1979.1 miles of 30-inch mainline loop and approximately 82.3 miles of various sized lateral loop line in New York, Pennsylvania and New Jersey and in the New England area, together with 30,465 horsepower of compression, measurement and other related facilities as well as certain modifications required to be made to existing facilities.

The total cost of the proposed facilities is estimated to be \$372,571,000 which cost would be financed initially with funds on hand, funds generated internally, borrowings under revolving credit agreements or short term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure 18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will

not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-16246 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-322-000]

Texas Gas Transmission Corp.; Application

May 28, 1981.

Take notice that on May 5, 1981, Texas Gas Transmission Corporation (Texas Gas), 3800 Federica Street, Ownesboro, Kentucky 42301, filed in Docket No. CP81-322-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 50,000 Mcf of natural gas per day on a best efforts basis for the account of Natural Gas Pipeline Company of America (Natural); the construction and operation of certain pipeline facilities; and the operation of certain measuring facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Dow Chemical Company (DOW) has contracted to purchase, on a best efforts basis, up to 15,000,000 Mcf of gas from Natural pursuant to the terms of a gas sales agreement dated March 30, 1981.

between Natural and DOW,¹ which gas is remote from DOW's existing pipeline system. In order that DOW may be able to receive the gas into its pipeline system, Natural and Texas Gas have entered into a transportation agreement dated April 24, 1981, whereby Natural would cause up to 50,000 Mcf of natural gas per day to be delivered to Texas Gas at the outlet of the Texaco Henry Plant in Vermilion Parish, Louisiana, it is said. At said point, Texas states that it would receive the gas and proposes to transport and deliver the gas to Dow Intrastate Gas Company (Dow Intrastate) at a point of interconnection of the systems of Texas Gas and Dow Intrastate in Lafayette Parish, Louisiana. Texas Gas states that Dow Intrastate would transport and deliver the gas it receives from Texas Gas to DOW at the interconnection of the facilities of DOW and Dow Intrastate at DOW's Plaquemine Plant near Plaquemine, Iberville Parish, Louisiana.

Texas Gas also requests authorization to install, own and operate a side valve assembly on its pipeline at the proposed interconnection of its pipeline with Dow Intrastate in Lafayette Parish. Texas Gas indicates that it would be reimbursed by Natural for all costs associated with the installation of the side valve assembly. Additionally, Texas Gas requests authorization to operate measurement and other related facilities which Dow Intrastate would design, install and own at the aforementioned point of interconnection in Lafayette Parish.

It is stated that Natural would pay Texas Gas 7.64 cents per Mcf (at 14.73 psia) for all quantities of natural gas transported hereunder. Such rate is said to be the present legally effective rate for such service as contained in Texas Gas's Rate Schedule T/SL on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in

any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-16256 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-324-000]

United Gas Pipe Line Co.; Application

May 26, 1981.

Take notice that on May 7, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-324-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that certain portions of its system are so constructed and have been operated that gas entering them cannot leave the state in which the facilities are located. One of such segments is located in Covington, Jones, Jasper, Clarke, Lauderdale, Wayne, Forrest, Jefferson Davis, Marion, Lamar, Smith, Simpson, Rankin, Hinds, and Madison Counties, Mississippi (the Jackson Area). The gas supplies that are consumed on this segment enter it from Applicant's general interstate system and from purchases from producers located along the segment itself. The application states that most of Applicant's facilities on the segment have been subject to the Commission's

jurisdiction inasmuch as such facilities are used to transport and sell gas in interstate commerce, i.e., to deliver to customers on the segment gas from outside the state of Mississippi or gas that has been commingled with such gas; however, other facilities on the segment are not certificated because heretofore they have not been used to perform any jurisdictional service, i.e., neither does gas flow from such facilities into interstate commerce nor does gas from outside Mississippi or gas commingled with such gas flow into the facilities. Specifically, the uncertificated facilities are said to be gas supply facilities that are used to transport gas from points of purchase from producers on the segment to Applicant's certificated facilities.

Applicant states that due to its gas purchase activities and the decreased demand for gas by certain customers on this segment, the operational requirements in this area have changed. Applicant represents that it is now engaged in negotiations that it anticipates will lead to the acquisition of significant new gas supplies to be connected to this segment which may exceed demand there. Moreover, fuel switching by customers on this segment and temporary plant closings for maintenance purposes produce periods of substantially decreased demand. In order to make gas from all portions of the Jackson area available outside this segment, Applicant proposes to change its method of operations on the segment so that any gas purchased there can be delivered from the segment into Applicant's general pipeline system.

Applicant requests authorization to operate gas supply facilities, other than gathering facilities, for the transportation of natural gas in interstate commerce. The facilities are identified as those used to receive gas in the following purchases:

Field purchase point and seller	Gas purchase contract No.
Pachuta Creek—The Nueces Co	4958-01
Goodwater—Shell Oil Co	4979
Stringer—J. E. Stack, Jr	6328

Applicant states that it is unable to state with certainty when it will be necessary to change the operation of the Jackson segment to permit gas from such segment to flow in interstate commerce, since precise information on the timing and flows of its new purchases and on future demand on the segment is not currently available.

¹ Natural has filed for authorization in Docket No. CP81-302 to make the sale of gas to DOW, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-16257 Filed 5-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ES81-47-000]

**Upper Peninsula Generating Co.;
Application**

May 26, 1981.

Take notice that on May 18, 1981, Upper Peninsula Generating Company (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to Section 204(a) of the Federal Power Act, to issue short-term notes and bankers' acceptances of an aggregate principal amount of up to \$45,000,000. The notes and bankers' acceptances will be issued on or before July 1, 1983, and will have a

final maturity date not later than July 1, 1984.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-16250 Filed 5-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ES81-48-000]

**Upper Peninsula Power Co.;
Application**

May 26, 1981.

Take notice that on May 18, 1981, Upper Peninsula Power Company (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to Section 204(a) of the Federal Power Act, to issue short-term notes of an aggregate principal amount of up to \$10,000,000. The notes will be issued on or before June 30, 1982, and will have a final maturity date not later than June 30, 1983.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-16251 Filed 5-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4573-000]

**Vidler Tunnel Water Co.; Application
for Preliminary Permit**

May 28, 1981.

Take notice that Vidler Tunnel Water Company (Applicant) filed on April 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4573 to be known as Chihuahua Creek located on Chihuahua Creek, a tributary to Peru

Creek, in Summit County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Herbert C. Young, 75 Manhattan Drive, Suite 201, Boulder, Colorado 80303. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed unconstructed project would affect lands of the United States within the Arapahoe National Forest and would consist of: (1) a 10-foot long and 4-foot high diversion dam with crest elevation 10,840 m.s.l.; (2) a 24-inch diameter 2,000-foot long penstock; (3) a powerhouse containing a generating unit having a rated capacity of 394 kW at a head of 400 feet; (4) a short tailrace; (5) a 2-mile long 14.4-kV transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1,630,480 kWh.

Purpose of Project—Project energy would be sold to several small municipalities or to The Public Service Company of Colorado.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would complete feasibility, engineering, and hydrologic studies, conduct field surveys, prepare environmental reports and detailed plans, consult with Federal, State, and local agencies, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be \$80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit

as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 10, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 9, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 10, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4573. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower

Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-16209 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-05-M

[Project No. 4291-000]

**W. M. Lewis & Associates, Inc.;
Application for Preliminary Permit**

May 27, 1981.

Take notice that W. M. Lewis & Associates, Inc. (Applicant) filed on March 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4291 to be known as Lowell Lock and Dam No. 3, Hydroelectric Project located on the Muskingum River in Washington County near Lowell, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: W. M. Lewis & Associates, Inc., Box 1383, Portsmouth, Ohio 45662. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-the-river project would consist of: (1) the existing Lowell Lock and Dam No. 3 which includes a rockfill crib and concrete capped dam 20 feet high and 900 feet long and a lock structure 30 feet wide and 20 feet high, the Lock and Dam are owned by the State of Ohio; (2) an existing canal 5,400 feet long, 75 feet wide, and 4 feet deep; (3) an impoundment extending upstream approximately 10 miles at surface elevation 607.64 feet m.s.l.; (4) a new powerhouse below the south (right) abutment of Lowell Dam No. 3 having units with an installed capacity of 5 MW; and (5) other appurtenances.

The Applicant estimates that the average annual energy output would be 32,800,000 kWh.

Purpose of Project—Project energy would be sold to American Municipal Power-Ohio, Inc.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would perform hydraulic, construction

planning, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare and application for a FERC license. Applicant estimates cost of studies under the permit would be \$60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 5, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 5, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a

party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 5, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4291. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-16270 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CS72-195, et al.]

Wintergreen Energy Corp. et al.; Applications for "Small Producer" Certificates¹

May 28, 1981.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the Regulation thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

applications should on or before June 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No.	Dated filed	Applicant
CS72-195	*4/27/81	Wintergreen Energy Corporation (Ruth Phillips Bisiker), Suite 1300, 1407 Main St., Dallas, Texas 75202.
CS73-0605	*4/27/81	Kaiser-Francis Oil Company (George B. Kaiser), P.O. Box 35528, Tulsa, Oklahoma 74135.
CS77-863	*5/4/81	Ogle Production Corporation (Weeks Petroleum Corporation), P.O. Box 5549, 559 San Ysidro Road, Santa Barbara, California 93108.
CS72-746	*5/4/81	Harry J. Strief, Jr. and Paul Arthur Strief, Paul Strief, Individual, 3020 Republic Bank Tower, Dallas, Texas 75201.
CS74-75-001	*3/16/81	M. D. Abel Co. (M. D. Abel), Post Office Box 1391, Midland, Texas 79702.
CS81-83-000	4/27/81	LGS Energy Corporation, P.O. Box 433, Harvey, Louisiana 70059.
CS81-84-000	5/4/81	Frank J. Whitley, Sr., #1 Briar Dale Court, Houston, Texas 77027.

Docket No.	Dated filed	Applicant
CS81-85-000	5/4/81	The F. J. Whitley Company, #1 Briar Dale Court, Houston, Texas 77027.
CS81-87-000	5/4/81	Robert L. Adair, P.O. Box 26787, Oklahoma City, Oklahoma 73126.
CS81-88-000	5/11/81	Sion Exploration, Inc., 200-700 4th Avenue, S.W., Calgary, Alberta T2P 3J4.
CS81-89-000	5/5/81	HCW Exploration, Inc., P.O. Box 10585, Midland, Texas 79702.
CS81-90-000	5/18/81	Miramar Petroleum, Inc., 1975 Bank & Trust Tower, Corpus Christi, Texas 78477.
CS81-91-000	5/18/81	Emefco Petroleum, Inc., Suite 500, 1580 Lincoln St., Denver, Colorado 80203.
CS81-86-000	5/7/81	CMC Energy, Inc., 1622 Guaranty Bank Plaza, Corpus Christi, Texas 78475.
CS81-92-000	5/18/81	Martin J. Freedman, Suite 500, 1580 Lincoln St., Denver, Colorado 80203.
CS81-93-000	5/18/81	John M. Shuey, Jr., 800 Johnson Building, Shreveport, Louisiana 71101.
CS81-94-000	5/20/81	Dr. Frederick L. Lily, 2695 Brighton Rd., Shaker Heights, Ohio 44120.

¹Being noticed to reflect a name change from Ruth Phillips Bisiker to Wintergreen Energy Corporation effective April 24, 1981.

²Being noticed to reflect a name change from George B. Kaiser to Kaiser-Francis Oil Company effective the date of issuance of notice.

³Being noticed to reflect a name change from Weeks Petroleum Corporation to Ogle Production Corporation effective October 16, 1980.

⁴Letter from Applicant requesting that Paul Arthur Strief and Paul Strief Individual be added as a holder of small producer certificate in Docket No. CS72-746.

⁵Being noticed to reflect a name change from M. D. Abel to M. D. Abel Co., effective March 4, 1981.

[FR Doc. 81-16258 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; Week of April 27 Through May 1, 1981

During the week of April 27 through May 1, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will

be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals,
May 26, 1981.

Proposed Decision and Order

Chevron, U.S.A., Inc., San Francisco, California, BEE-1632, crude oil

Chevron U.S.A., Inc. filed an Application for Exception from the provisions of 10 CFR 212.84(h). The exception request, if granted, would permit Chevron U.S.A., Inc. to consider the costs of crude oil imported from the Persian Gulf, Libya, and Nigeria during the period May 15, 1980 through January 28, 1981 to have been incurred when such crude oil was "loaded" rather than when it was "landed" in the United States. On April 29, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Proposed Decision and Order

Clark Oil & Refining Corp., Milwaukee, Wisconsin, BEE-1562, crude oil

Clark Oil & Refining Corp. filed an Application for Exception from the provisions of 10 CFR Part 211. The exception request, if granted, would permit the applicant to pass through on a retroactive basis all increases in its non-product marketing costs. On April 29, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request should be denied.

Proposed Decision and Order

Greene Oil, Inc., Letcher, South Dakota, BEE-1484, propane

Greene Oil, Inc. filed an Application for Exception from the provisions of 10 CFR 212.93. The exception request, if granted, would permit Greene to retroactively raise the maximum lawful selling price for propane sold by the firm during the period November 1973 through May 1976. On May 1, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request should be denied.

Proposed Decision and Order

Marlex Oil & Refining, Los Angeles, California, BEE-1481, crude oil

Marlex Oil & Refining, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would permit the firm to receive entitlements benefits with respect to crude oil inventory purchased in connection with the start-up and expansion of the Marlex refinery. On April 28, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request should be denied.

[FR Doc. 81-16316 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-01-M

Objection To Proposed Remedial Orders Filed; Week of May 4 Through May 8, 1981

During the week of May 4, through May 8, 1981, the notices of objections to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 C.F.R. 205.194 on or before June 22, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals,
May 26, 1981.

Fasgo, Inc., Brookhaven, Pennsylvania, BRO-1445, motor gasoline

On May 8, 1981, Fasgo, Inc. Brookhaven, Pennsylvania, filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast Enforcement District of the Economic Regulatory Administration issued to the firm on March 23, 1981. In the Proposed Remedial Order the Northeast District found that during the period June 1, 1977 through July 31, 1979 Fasgo committed pricing violations in its retail sales of motor gasoline. According to the Proposed Remedial Order the firm's violations resulted in \$263,501.30 of overcharges to its customers.

Key Oil Co., Franklin Kentucky, BRO-1444, diesel fuel

On May 5, 1981, Key Oil Company, Highway 31 W. South, Rt. 3, Franklin

Kentucky filed a Notice of Objection to a Proposed Remedial Order which the DOE Southeast Enforcement District of the Economic Regulatory Administration issued to the firm on March 20, 1981. In the Proposed Remedial Order, the Southeast District found that during the period November 1, 1973 through March 31, 1974, Key Oil Company committed pricing violations in its retail sales of diesel fuel. According to the Proposed Remedial Order, the Key Oil Co. violations resulted in \$91,327.55 of overcharges to its customers.

[FR Doc. 81-16315 Filed 5-29-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-10-FRL 1842-1]

Proposal To Terminate the State of Idaho's Federal Air Grant Funding; Opportunity For Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of hearing opportunity.

SUMMARY: The U.S. Environmental Protection Agency, Region 10 (EPA) invites comments on and announces an opportunity for public hearing on EPA's proposal to withdraw certain Section 105 air program grant funds from the State of Idaho's Department of Health and Welfare beginning July 1, 1981.

HEARING LOCATION:

Date: July 2, 1981

Time: 7:30 P.M.

Place: EPA Idaho Operations Office, 422 W. Washington Street, Boise, Idaho.

FOR FURTHER INFORMATION CONTACT: M. Lynn McKee, Director, EPA Idaho Operations Office, 422 W. Washington Street, Boise, Idaho 83702, Telephone: (208) 384-1450, FTS: 554-1450.

SUPPLEMENTARY INFORMATION:

Background Information

For several years, EPA has provided the State of Idaho Department of Health and Welfare (IDHW) a Section 105 Clean Air Act (42 U.S.C. 7405(b)) grant to partially support its air pollution control program. As stated in the Clean Air Act, in order for a State to be eligible to receive Section 105 funding, a State must meet two matching requirements. Those requirements are as follows:

1. Federal support can not exceed 75 percent of the cost of the air pollution control program (i.e., the State must provide at least 25 percent in non-Federal funds).
2. The State must provide at least as much in non-Federal, recurrent (ongoing) funds as was provided in the previous

year unless there is a non-selective reduction in ongoing non-Federal expenditures by all executive branch agencies in the State.

During this year's legislative session, State funding for the IDHW air program was eliminated beginning July 1, 1981. EPA has been notified by the State that its air program activities will be terminated by July 1, 1981. Therefore, since the IDHW will have no non-Federal funding to support its air pollution control program beyond June 30, 1981, EPA is required by the Clean Air Act to reduce IDHW's air grant award. EPA proposes to take the following actions:

1. Withdraw unexpended or remaining funds authorized by Section 105 not required for the State to complete its program. Idaho is required by law to expend at least as much in State funding in Federal Fiscal Year (FY) 1981 as was spent in FY 1980, \$277,525, to be eligible for any Federal Section 105 funds. Since the Idaho program will be terminated in June of 1981, three quarters of the way through FY 81, this requirement will be satisfied if Idaho expends at least \$208,144 ($\frac{3}{4} \times \$277,525$) in non-Federal (State) funds. EPA should be able to withdraw in excess of \$140,265 ($\frac{1}{4}$ of the FY 81 operating grant of \$561,060).

2. Terminate the Section 105 grant to the State of Idaho on June 30, 1981 since the State will not provide the non-Federal matching funds required to be eligible for a Section 105 grant after that date.

Invitation of Comments—Opportunity for Hearing

Any person who desires to comment on this proposed action may do so by writing to the above listed contact person. Comments must be received on or before July 1, 1981.

IF NO TIMELY REQUEST FOR A HEARING IS RECEIVED, NO HEARING WILL BE HELD.

A public hearing will be held if (and only if) a request for a public hearing is received at the office listed above within thirty (30) days following publication of this notice, that is by July 1, 1981. The purpose of this hearing would be to take comment on the proposed withdrawal of remaining or unexpended Section 105 air grant funds from IDHW. If a hearing is requested, it will be conducted at the time and place listed above.

If a request is not received, no public hearing will be held. It is suggested that any one who anticipates attending this public hearing call the above listed office to verify if a hearing is to be held.

A shorter notice period is being employed for this action (the usual

period is 45 days) because the State's current Section 105 grant will expire on June 30, 1981.

Dated: May 21, 1981.

L. Edwin Coate,

Acting Regional Administrator.

[FR Doc. 81-16221 Filed 5-29-81; 8:45 am]

BILLING CODE 6560-38-M

[SA-FRL-1841-7]

Science Advisory Board, Technology Assessment and Pollution Control Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a two-day meeting of the Technology Assessment and Pollution Control Committee (TAPCC) of the Science Advisory Board will be held in Conference Room 250, National Academy of Sciences, 2101 Constitution Avenue, N.W., Washington, D.C. on June 25-26, 1981. The meeting will begin at 9:00 a.m. each day and last until approximately 5:00 p.m.

This meeting is one of three or four routinely held each year. The primary purpose of this meeting is to review the results or status of several recent or ongoing studies of the Committee, including those on pollution control guidance documents for the synthetic fuels industry, incentives for technology utilization and development, and toxics and hazardous waste control technology research. Future TAPCC activities in this and other areas will also be discussed.

The meeting is open to the public. Any person wishing to attend or to obtain further information about the meeting should contact the TAPCC Executive Secretary, Harry C. Torno, at (202) 472-9444 or 9457.

Ernst Linde,

Acting Staff Director, Science Advisory Board.

May 19, 1981.

[FR Doc. 81-16211 Filed 5-29-81; 8:45 am]

BILLING CODE 6560-34-M

[A-4-FRL-1830-8]

Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority—State of Tennessee

AGENCY: Environmental Protection Agency.

ACTION: Informational Notice.

SUMMARY: Section 301 in conjunction with Sections 111 and 112 of the Clean Air Act authorizes the Administrator to delegate his authority to implement and

enforce the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS). The State of Tennessee has requested delegation of this authority. After a thorough review of the request and information submitted, the Regional Administrator determined that such delegation was appropriate for the source categories and with the conditions set forth in the letter reproduced below. Source categories identified below which are subject to these requirements will now be under the jurisdiction of the State of Tennessee.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT:

Raymond S. Gregory, Air Programs Branch, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: In letters dated June 29, June 30, August 13, 1976, and September 25, 1979, Harold E. Hodges, Director of Tennessee Department of Public Health's Division of Air Pollution Control submitted to the EPA Regional Office requests for delegation of authority for implementation and enforcement of NSPS and NESHAPS. After a thorough review of the request and information submitted, the Regional Administrator has determined that delegation or relinquishment of this authority to Tennessee is appropriate subject to the conditions set forth in the following letter. (See Appendix A)

In the letter above of April 11, 1980, the NSPS source category of sulfuric acid plants was inadvertently omitted. Authority for such sources was relinquished in the following letter. (See Appendix B)

Therefore, pursuant to the authority delegated to her by the Administrator, the Regional Administrator formally notified the Director of the Tennessee's Division of Air Pollution Control in the letters reproduced above that the authority to implement and enforce NSPS and NESHAPS for source categories listed was delegated to the State of Tennessee.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region IV office, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

Effective immediately, all reports required pursuant to the delegated NSPS and NESHAPS should not be submitted to the EPA Region IV office, but instead should be submitted to the State agency

at the following address: Mr. Harold E. Hodges, P.E., Director, Division of Air Pollution Control, Tennessee Department of Public Health, 256 Capitol Hill Building, Nashville, Tennessee 37219.

Sections 111, 112, and 301 of the Clean Air Act, as amended (42 U.S.C. 7411, 7412, and 7601)

Dated: May 3, 1981.

John A. Little,

Acting Regional Administrator.

Appendix A

United States Environmental Protection Agency, Region IV, 345 Courtland Street, Atlanta, Georgia
April 11, 1980.

Mr. Harold E. Hodges, P.E.,

Director, Division of Air Pollution Control,
Tennessee Department of Public Health,
256 Capitol Hill Building, Nashville,
Tennessee.

Dear Mr. Hodges: This is in response to your letters of June 29, June 30, August 13, 1976 and September 25, 1979 requesting relinquishment of Federal responsibility to implement and enforce the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) programs.

We have reviewed the pertinent laws of the State of Tennessee and the rules and regulations thereof, and have determined that they provide an adequate and effective procedure for implementation of the NSPS and NESHAPS by the State of Tennessee. Therefore, pursuant to Section 111 of P.L. 91-604 (1970) as amended by P.L. 95-95 (1977), the Clean Air Act (CAA) as amended and 40 CFR Part 61, we hereby relinquish our primary responsibility for implementation and enforcement of NSPS and NESHAPS, respectively, to the State of Tennessee as follows:

A. Responsibility for all sources located or to be located in the State of Tennessee (except for Davidson and Knox Counties) subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 and amendments thereto as published in the *Federal Register* as of the date of your request letters (June 29, June 30, August 13, 1976 and September 25, 1979). The categories of new sources covered by this responsibility are: fossil fuel-fired steam generators; incinerators; portland cement plants; nitric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary brass and bronze ingot production plants; iron and steel plants; sewage treatment plants; secondary lead smelter; phosphate fertilizer plants (five categories); primary aluminum plants; coal preparation plants; electric arc furnaces; primary copper, zinc, and lead smelters; ferroalloy production facilities; lime manufacturing plants; grain elevators; and kraft pulp mills.

B. Responsibility for all sources located or to be located in the State of Tennessee (except for Davidson and Knox Counties) subject to the national emission standards for

hazardous air pollutants promulgated in 40 CFR Part 61 and amendments thereto as published in the *Federal Register* as of the date of your request letters. The four hazardous air pollutants covered by this authority are: asbestos, beryllium, mercury and vinyl chloride.

C. This relinquishment is based upon the following conditions.

1. Existing quarterly reports normally submitted to EPA through program plan reporting will be expanded to contain pertinent information relating to the status of sources subject to 40 CFR Parts 60 and 61. As a minimum, the following information should be provided to EPA: the name; address; type and size of each facility; the compliance status of each facility with accompanying explanations of noncompliance where applicable; notice of enforcement actions brought against facilities subject to 40 CFR Part 60 or 61; surveillance actions undertaken for each facility; and the results of all reports relating to emissions data.

2. Enforcement of NSPS and NESHAPS in the State of Tennessee (except in Davidson and Knox Counties) will be the primary responsibility of the Division of Air Pollution Control. If the State determines that such enforcement is not feasible and so notifies EPA, or where the State acts in a manner inconsistent with the terms of this granted authority, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the State of Tennessee subject to the NSPS and NESHAPS.

3. Acceptance of this relinquishment of presently promulgated NSPS and NESHAPS does not commit the State to request or accept enforcement responsibility of future standards and requirements. A new request for enforcement responsibility will be required for any standards not included in Paragraphs A and B above.

4. The State of Tennessee will at no time grant a waiver of compliance with NESHAPS (40 CFR § 61.11). The State of Tennessee will at no time grant a variance or other temporary or permanent exemption from compliance with NSPS and NESHAPS regulations. Should the State grant such a variance or other exemption, EPA will consider the source receiving the variance or exemption to be in violation of the applicable Federal regulations and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the State shall also constitute grounds for revocation of the pertinent portions of this relinquishment by EPA.

5. If at any time there is a conflict between a State regulation and a Federal regulation (40 CFR Parts 60 and 61), the Federal regulation must be applied if it is more stringent than that of the State. For sources determined to be subject to Federal NSPS but not the State's NSPS, the State shall, within 60 days from date of relinquishment of responsibility or date of determination, perform the following:

- Notify the source in writing of the applicable Federal requirements.
- Notify EPA Region IV of the source and include the name, address, type, and size of

each facility subject to the standards; the compliance status of each facility with accompanying explanations of non-compliance where applicable; notice of enforcement actions brought against facilities subject to 40 CFR Part 60 and 61; surveillance actions undertaken for each facility; and the results of all reports relating to emissions data.

If the State does not have the authority to enforce a Federal regulation, the pertinent portion of the relinquishment may be revoked.

6. Performance tests shall be scheduled and conducted in accordance with the procedures set forth in 40 CFR Parts 60 and 61 unless alternate methods or procedures are approved by the EPA Administrator. Although the Administrator retains the exclusive right to approve equivalent and alternative test methods as specified in 40 CFR 60.8(b)(2) and (3), and 64.14 the State may approve minor changes in methodology provided these changes are reported to EPA Region IV. The Administrator also retains the right to change an opacity standard as specified in 40 CFR 60.11(a).

7. Additionally, the State of Tennessee must require reporting of all excess emissions from any NSPS source in accordance with 40 CFR 60.7(c).

8. Alternatives to continuous monitoring procedures or reporting requirements, as outlined in 40 CFR 60.13(i), may be approved by the State with the prior concurrence of the EPA Administrator.

9. If a source proposes to modify its operation or facility which may cause the source to be subject to NSPS requirements, the State shall notify EPA Region IV and obtain a determination on the applicability of the NSPS regulations.

10. If the Administrator determines that the State procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this relinquishment may be revoked in whole or part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Division of Air Pollution Control.

11. Information shall be made available to the public in accordance with 40 CFR 60.9(b) and 61.15(b). Any records, reports, or information provided to, or otherwise obtained by, the State in accordance with the provisions of these regulations shall be made available to the designated representative of EPA upon request.

12. The previous delegation by EPA to the Metropolitan Nashville-Davidson County Health Department (Pollution Control) and Knox County Department of Air Pollution Control of responsibility to implement and enforce NSPS and NESHAPS will remain in effect. The State of Tennessee will provide both the Davidson and Knox County local programs with technical assistance as necessary and as resources provide to carry out the delegated programs. In exercising the relinquished Federal responsibility for NSPS and NESHAPS, the State of Tennessee will overview the performance of the Davidson and Knox County local programs in

implementing and enforcing both NSPS and NESHAPS.

13. Upon approval of the Regional Administrator of Region IV, the Director of the Division of Air Pollution Control may subdelegate his authority to implement and enforce the NSPS and NESHAPS to air pollution control authorities in the State when such authorities have demonstrated that they have equivalent or more stringent programs in force.

The State and EPA will develop a system of communication sufficient to guarantee a program that includes the items described below:

a. Each agency is informed of the current compliance status of subject sources in the State of Tennessee;

b. Prior EPA concurrence is obtained on any matter involving interpretation of 40 CFR Parts 60 and 61 (including unique questions of applicability of the standards); and

c. Enforcement actions (including requests for information and enforcement actions based thereon) already initiated by EPA prior to this delegation, shall be completed by EPA.

d. The State will notify EPA if any devices or processes are used by a source owner or operator, that would allow circumvention of any applicable standard.

A notice announcing these actions will be published in the Federal Register in the near future. The notice will state, among other things, that, effective immediately, all reports required pursuant to NSPS and NESHAPS, by sources located in Tennessee (except for sources located in Davidson and Knox Counties) should be submitted to the Division of Air Pollution Control, Tennessee Department of Public Health, 256 Capitol Hill Building, Nashville, Tennessee 37219; any such reports which have been or may be received by EPA, Region IV, will be promptly transmitted to this State agency.

Since this action is effective immediately, there is no requirement that the State of Tennessee notify EPA of its acceptance. Unless EPA receives from the State of Tennessee written notice of objections within ten (10) days of the date of receipt of this letter, the State will be deemed to have accepted all of the terms as stated herein.

Sincerely yours,

Alec Little,

Deputy Regional Administrator.

for

Rebecca W. Hanmer,

Regional Administrator.

Appendix B

July 25, 1980.

Mr. Harold E. Hodges, P.E.,

Director, Division of Air Pollution Control,
Tennessee Department of Public Health,
256 Capitol Hill Building, Nashville,
Tennessee.

Dear Mr. Hodges: In our letter to you of April 11, 1980, EPA relinquished its primary authority to administer New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Pollutants (NESHAPS) to the State of Tennessee. In that letter, the source category of sulfuric acid plants was inadvertently omitted as a

category for which the State was to administer NSPS.

This letter is intended to relinquish EPA responsibility to Tennessee for implementing NSPS for sulfuric acid plants in Tennessee. Relinquishment is subject to the same terms and conditions stated in our April 11, 1980 letter. That letter and its terms and conditions are therefore hereby incorporated as part of this agreement. If we receive no written objections to the terms of this agreement within ten (10) working days of receipt of this letter, we will assume you have none.

Please feel free to contact Mr. Winston Smith of our Air Programs Branch (404/861-2864), if you have any questions.

Sincerely yours,

Paul J. Traina,

Acting.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 81-10300 Filed 5-29-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket FEMA-REP-3-VA-1]

Virginia Radiological Emergency Response Plan

AGENCY: Federal Emergency
Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local emergency plans to the FEMA Regional Office. These plans support nuclear power plants which impact on Virginia, and include those of local governments near the Virginia Electric Power Company's North Anna Power Station located in Louisa County.

DATE: Plans received: May 13, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert J. Adamcik, Acting Regional Director, FEMA Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania, 19106, (215) 597-9416.

Notice

In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local government's radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45

FR 42341, the State Radiological Emergency Response Plan for the Commonwealth of Virginia was received by the Federal Emergency Management Agency Region III Office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zone of the nuclear plant. For the North Anna Power Station, plans are included for Louisa, Spotsylvania, Hanover, Caroline and Orange Counties.

Copies of the Plan are available for review at the FEMA Region III Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 1618 pages in the document; reproduction fees are \$.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Robert J. Adamcik, Acting Regional Director, at the above address by July 1, 1981.

FEMA proposed Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plans. Details of this meeting will be announced in the Richmond Times Dispatch at least two weeks prior to the scheduled meeting. Local radio and television stations will be requested to announce the meeting.

Robert J. Adamcik,

Acting Regional Director, FEMA Region III.

May 21, 1981.

[FR Doc. 81-10199 Filed 5-29-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder
License No. 1728]

I.M.S., Inc.; Order of Revocation

On May 17, 1979, I.M.S., Inc., 4416 Wheeler Avenue, Alexandria, VA 22304, requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 1728.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 1728 issued to I.M.S., Inc., be revoked effective May 17, 1979.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1728 issued to I.M.S., Inc., be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon I.M.S., Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-10297 Filed 5-29-81; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C., 20573.

Horacio Espinoza Forwarding Co.
(Horacio Espinoza, d.b.a.), 1314 Texas Avenue, Great S.W. Bldg., P.O. Box 52933, Houston, TX 77052

Thakor H. Bulsara, c/o Weilwood Fabrics, Inc., 119 West 40th St., 14th Fl., New York, NY 10018

By the Federal Maritime Commission.

Dated: May 26, 1981.

Joseph C. Polking,
Acting Secretary.

[FR Doc. 81-10298 Filed 5-29-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Midland Bank Limited; Public Meeting

Midland Bank Limited, London, England, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 50 percent or more of the voting shares of Crocker National Corporation, San Francisco, California. Notice of this application was published in the Federal Register on March 23, 1981 (46 FR 18,066).

The Board has received from the public three protests to this application, one of which requested the Board to hold a formal hearing on the application. The Board has determined that the three protests are not substantive and that the hearing request should be denied. However, while there is no legal requirement to hold any public proceeding on this application, in light of the importance of Crocker National Bank in the communities in which it

operates and the interest of the public in the proposal, the Board has determined to hold a public meeting on the application in San Francisco, California. The meeting will commence at 9:00 a.m. on June 22, 1981, at the Federal Reserve Bank of San Francisco, 400 Sansome Street, San Francisco, California 94120.

Any person who desires to give testimony, present evidence, or otherwise participate in this proceeding should file with the Assistant Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551, on or before June 12, 1981, a written request containing a statement of the nature of that person's interest in the proceedings, the extent of the participation desired, a summary of the matters concerning which that person desires to give testimony, submit evidence or raise questions, and the names and identity of witnesses who propose to appear. Such requests will be submitted to the designated presiding officer of the proceeding.

By order of the Board of Governors, effective May 26, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-10340 Filed 5-29-81; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-0360]

Policy Statement Concerning the Sale of Third Party Commercial Paper by State Member Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Policy Statement.

SUMMARY: Pursuant to its authority to restrain unsafe or unsound banking practices by State member banks, the Board of Governors of the Federal Reserve System adopts a policy statement setting forth guidelines governing the sale by a State member bank of commercial paper of issuers not related to the bank ("third party commercial paper"). The guidelines reflect the Board's judgment that certain practices may develop in the sale by a bank of third party commercial paper that may not be consistent with the principles of safe and sound banking. The guidelines concern the type and amount of commercial paper that should be sold, the kinds of records that should be maintained, and the purchasers to which such paper may be sold. The Board intends to monitor closely the activities of State member banks in this area and may modify or supplement this policy statement based on the Board's review of the experience of State

member banks in conducting these activities.

EFFECTIVE DATE: May 26, 1981.

Interested parties may submit comments on the policy statement that will be reviewed by the Board. Comments must be received on or before July 31, 1981.

ADDRESS: Comments should include reference to Docket No. R-0360 and should be mailed to the Secretary, Board of Governors of the Federal Reserve System, 20th and Constitution Avenue, NW., Washington, D.C. 20551, or delivered to Room B-2223, 20th and Constitution Avenue, NW., Washington, D.C. between 8:45 a.m. and 5:15 p.m. Comments may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT:

Robert S. Plotkin, Assistant Director, Division of Banking Supervision and Regulation, (202) 452-2782, or Richard Ashton, Senior Counsel, Legal Division, (202) 452-3750, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On September 26, 1980, the Board took action with respect to the petitions of the Securities Industry Association (the "SIA") and of A. G. Becker Incorporated ("A. G. Becker") that the Board prohibit Bankers Trust Company, New York, New York ("Bankers Trust"), a State member bank, from selling third party commercial paper. The Board denied the petitions to the extent they alleged that Bankers Trust's commercial paper activities violate the Glass-Steagall Act or should be prohibited by general considerations of public policy. The Board also stated that the sale of third party commercial paper by a commercial bank could involve, at least in some circumstances, potential unsafe or unsound practices. The Board thus took no action on the petitions' allegations of dangers to Bankers Trust or potential conflicts of interest pending development of general supervisory guidelines designed to avoid potential unsafe or unsound practices in the sale of third party commercial paper by State member banks.

In developing the guidelines that are set forth in the following policy statement, the Board has consulted with the staffs of the other Federal banking agencies and has considered the allegations of unsafe practices made by the SIA and A. G. Becker and the comments of the Securities and Exchange Commission.

With respect to the possibility that a bank's commercial paper selling activities may lead the bank into investing its funds in imprudent

investments, the Board recognizes that a bank's selling activity may result in the purchase of some commercial paper with the bank's own funds. However, the Board notes that banks have traditionally been permitted to purchase commercial paper for their own account and such purchases have been treated for supervisory purposes as commercial loans. In addition, since only large, well-known corporations with established credit ratings are able to market unsecured obligations, commercial paper is generally a low-risk instrument, even relative to some commercial loans.¹ Furthermore, the Board's guidelines provide that a bank should sell only prime quality paper and make a thorough credit analysis of each issuer and that all commercial paper sold by the bank should be fully supported by available lines of credit.² These guidelines would also minimize the danger that a bank selling commercial paper might be tempted to make unsound loans to an issuer which is encountering financial difficulties in order to protect the bank's reputation.

The SIA, A. G. Becker, and the SEC have also raised the possibility of loans by a selling bank to facilitate purchase of commercial paper being sold by the bank. However, because rates on commercial paper are usually lower than rates charged on bank loans, the use of borrowed funds to purchase commercial paper would be unprofitable and thus unlikely. Accordingly, there does not appear to be any practical substance to this concern.

Another potential hazard cited in connection with bank sales of commercial paper is the possibility that the bank's salesman's interest might impair its existing obligations to its customers and might consequently damage the bank's good will and reputation. In particular, it is claimed that bank depositors might suffer losses on paper purchased from the bank, that "the bank's reputation for prudence and restraint would be abused," that the bank would lose its ability to provide disinterested investment advice, and that the bank might "unload" worthless commercial paper in its trust department.

Under the Board's guidelines, however, a bank may sell commercial paper only to financially sophisticated

purchasers and may not advertise commercial paper for sale to the general public. Thus, there appears to be little likelihood that any but a small fraction of a bank's depositors would even consider purchasing commercial paper being sold by the bank. For the same reason, the potential for a bank abusing its reputation for "prudence and restraint" in selling commercial paper does not appear significant. Finally, with respect to potential inability to provide disinterested investment advice and "unloading" of worthless commercial paper in the bank's trust accounts, the guidelines provide that the bank should not sell commercial paper to fiduciary accounts over which the bank has investment discretion.

The Board intends to monitor closely the selling activities of Bankers Trust and any other State member bank that may initiate such services. Based on further experience in this area, the Board may modify or supplement these guidelines to assure that such activities are conducted in accordance with principles of safe and sound banking.

Accordingly, acting pursuant to its supervisory authority over State member banks contained in section 9 (12 U.S.C. 321, *et seq.*) and section 11 (12 U.S.C. 248) of the Federal Reserve Act and the Financial Institutions Supervisory Act of 1966 (12 U.S.C. 1818(b)) and related provisions of law, the Board of Governors adopts the following policy statement.

Policy Statement Concerning Sale of Third Party Commercial Paper by State Member Banks

The Board of Governors has recently determined that the sale of commercial paper by a State member bank for unaffiliated issuers ("third party commercial paper"³) did not violate the Glass-Steagall Act (12 U.S.C. §§ 24, Seventh, 378). The Board was concerned however, that the sale of third party commercial paper⁴ might, in some circumstances, involve unsafe or unsound practices. Accordingly, in the interest of safe and sound banking, the Board believes that any State member bank that may decide to engage in the sale of third party commercial paper

³Excluding commercial paper issued by a parent bank holding company; the Board has previously advised bank holding companies concerning sales of bank holding company commercial paper (letter dated June 27, 1980).

⁴Banks have traditionally purchased commercial paper upon the order, and for the account of, customers, whereas here the bank is essentially acting for the issuer; the former activity is not subject to the guidelines set forth in this Policy Statement.

should adhere to the following guidelines.⁵

1. A State member bank should sell only prime quality commercial paper that qualifies for the exemption provided by section 3(a)(3) of the Securities Act of 1933 (15 U.S.C. 77c(a)(3)). The bank should take appropriate precaution to assure itself that the section 3(a)(3) exemption applies to the commercial paper it proposes to sell. In this regard, (i) the bank should determine that the commercial paper it proposes to sell is of prime quality; (ii) the bank may rely on representations of the issuer with respect to the use of proceeds; (iii) except as further limited by paragraphs 7 and 8, the bank should sell commercial paper only to financially sophisticated customers, such as customers that regularly purchase a variety of short-term credit instruments, and should not advertise commercial paper for sale to the general public; (iv) the bank should obtain periodically, and maintain in the bank's records, a current legal opinion of counsel that the section 3(a)(3) exemption is available. In addition, the bank should sell commercial paper in minimum denominations that are consistent with applicable law and, in no event, should sell commercial paper in minimum denominations of less than \$100,000.

2. The selling bank should maintain a complete credit analysis of the issuer at all times and should exercise due diligence in investigating the financial affairs of the issuer. Particular attention should be given to the liquidity position of the issuer and its lines of credit. All commercial paper sold by the bank should be fully supported by available lines of credit. Any participation by the selling bank in such lines of credit should be made only after consideration of the bank's legal lending limit.

3. Senior management should adopt internal limits for the amount(s) of commercial paper that may be sold by the bank for a single or related issuer(s). In determining the internal limits, senior management should consider the financial condition of the issuer, all lines of credit available to the issuer, and the bank's participation in the lines of credit and any other extensions of credit or commitments to the issuer by the bank (including commercial paper purchased by the bank for its own account.)

⁵The Board does not expect to take enforcement action to restrain unsafe or unsound banking practices with respect to third-party commercial paper selling activities of any State member bank that conducts such activities within these guidelines.

¹The Board notes that, at least on some occasions, significant losses have been suffered by commercial paper purchasers, for example, the 1970 collapse of Penn Central Transportation Company. However, banking functions, such as commercial lending, also involve some degree of risk and losses can and do occur.

²A selling bank could only participate in the line of credit up to the amount of its legal lending limit.

4. Chronological records of original entry should be maintained that contain an itemized daily record of all sales and purchases of commercial paper. The records should also contain:

- A designation of the commercial paper,
- Nature of the transaction, e.g. purchase or sale,
- Trade and settlement dates,
- Contra-party name or designation,
- Net proceeds, discount rate, or yield to maturity.

5. Account records should be maintained for each issuer that reflect:

- All sales and purchases of commercial paper placed by the bank for that issuer,
- All lines of credit available to the issuer,
- The amount of the bank's participation in the lines of credit,
- A current balance of all extensions of credit and a description of other commitments to the issuer.

6. Account records should be maintained for each purchaser that reflect all sales and purchases of commercial paper for the account of that customer.

7. Commercial paper should not be sold to fiduciary accounts over which the bank has investment discretion.

8. Commercial paper should not be sold to the bank's parent holding company (unless it is a bank) or any nonbank affiliate of the bank.

9. The bank should furnish to all purchasers of commercial paper written advice in connection with all purchases that (1) the commercial paper is not an obligation of the bank, and is not insured by the FDIC, (2) the bank has no obligation to repurchase any of the paper sold, (3) the bank is under no obligation to lend funds to the issuer (except pursuant to existing credit lines, or other commitments, if any), and (4) copies of the issuer's most recently published financial statements will be furnished upon request.

By order of the Board of Governors, May 26, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-10291 Filed 5-29-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: The Oklahoma Publishing Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Standard Metals Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 14, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-10230 Filed 5-29-81; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

National Archives Advisory Council; Meeting

Notice is hereby given that the National Archives and Records Service Advisory Council will meet on June 11, 1981, from 2:30 p.m. to 5:30 p.m. and June 12, 1981, from 9:00 a.m. to 4:30 p.m. in Room 105, National Archives and Records Service, 8th and Pennsylvania Avenue, N.W., Washington, D.C. 20408. The meeting will be devoted to a review of the current state of the Archives, reports from Council Subcommittees, and related matters of concern to the operation of the National Archives and Records Service of the United States.

The meeting will be open to the public.

Dated: May 20, 1981.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 81-16178 Filed 5-29-81; 8:45 am]

BILLING CODE 5820-26-M

National Archives Advisory Council, FBI Appraisal Project Review Panel

Notice is hereby given that the FBI Appraisal Project Review Panel will meet on June 11, 1981, from 9:30 a.m. until adjournment in Room 105, National Archives and Records Service, 8th and Pennsylvania Avenue, N.W., Washington, D.C. 20408.

The Panel will:

1. Review the FBI Appraisal Project methodology and schedule.
2. Review qualifications for consultants and recommend a list of potential consultants who will review the FBI records retention plan and the disposition schedules.

The meeting on June 11 will be open to the public during the discussion of item 1, above. Panel deliberations under item 2, above, are closed in accordance with exemption (b) of the Government in Sunshine Act (5 U.S.C. 552b(c)). For further information contact Robert R. Brookhart, General Services Administration (NAX), Washington, D.C. 20408 (202-523-3616).

Because of the tight Court-imposed deadline for completing the appraisal project, this meeting must be held with less than 15 days advance notice in the *Federal Register*.

Issued in Washington, D.C., on May 29, 1981.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 81-16481 Filed 5-29-81; 12:00 pm]

BILLING CODE 5820-22-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Cancer Program Project and Cancer Center Support Review Committee, Clinical Cancer Program Project Review Subcommittee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Clinical Cancer Program Project and Cancer Center Support Review Committee (Cancer Center Support Review Subcommittee), National Cancer Institute, July 30-August 1, 1981, Building 31C, Conference Room 6, National

Institutes of Health, Bethesda, Maryland. This meeting will be open to the public on July 30, from 8:30 a.m. to 10 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on July 30, from 10 a.m. to adjournment, July 31, 8:30 a.m. to adjournment, and on August 1, from 8:30 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of person privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meetings and rosters of committee members, upon request.

Dr. Louise Thomson, Executive Secretary, National Cancer Institute, Westwood Building, Room 809, National Institutes of Health, Bethesda, Maryland (301/496-7924) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.397, project grants in cancer center support, National Institutes of Health) (NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular)

Dated: May 26, 1981.

Thomas E. Malone,
Deputy Director, National Institutes of Health.

[FR Doc. 81-10174 Filed 5-29-81; 8:45 am]

BILLING CODE 4110-08-M

General Clinical Research Centers Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the General Clinical Research Centers Committee, Division of Research Resources, June 28-30, 1981, Conference Room 8, Building 31-C, 9000 Rockville Pike, Bethesda, Maryland 20205.

The meeting will be open to the public on June 29, 1981, from 8:00 a.m. to approximately 10:00 a.m., to discuss administrative matters and program plans. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 28, 1981, from 7:00 p.m. until recess and on June 29, 1981 from 10:00 a.m. to recess and from approximately 8:00 a.m. to adjournment on June 30, 1981, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Rm. 5B-13, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5545 will provide summaries of the meeting and rosters of the Committee members. Dr. Ephraim Y. Levin, Executive Secretary of the General Clinical Research Centers Review Committee, Bldg. 31, Rm. 5B51 National Institutes of Health, Bethesda, Maryland 20205, (301) 496-6595, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.333, Clinical Research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular)

Dated: May 26, 1981.

Thomas E. Malone,
Deputy Director, National Institutes of Health.

[FR Doc. 81-10175 Filed 5-29-81; 8:45 am]

BILLING CODE 4110-08-M

Hematology Study Section; Changed Meeting

Notice is hereby given of a change in the location of the meeting of the following National Institutes of Health Study Section which was published in the Federal Register on May 1, 1981 (46 FR 24712).

The Hematology Study Section was to have met at the In-Town Motel, Chevy Chase, MD on June 11-13, 1981. It will now meet June 11-13, 1981, at the Ramada Inn, Bethesda, MD. The opening session will convene at 8:30 a.m., June 11, 1981. The subsequent scheduled meetings will begin at 8:30 a.m., June 12 and 13, 1981.

Dated: May 26, 1981.

Thomas E. Malone,
Deputy Director, National Institutes of Health.

[FR Doc. 81-10176 Filed 5-29-81; 8:45 am]

BILLING CODE 4110-08-M

NIDR Special Grants Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Institute of Dental Research Special Grants Review Committee, on June 23, 1981, in Conference Room 7, Building 31-C, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m. on June 23, 1981, for general discussions. Attendance by the public is limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 9:30 a.m. to adjournment on June 23, 1981, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Emil L. Rigg, Executive Secretary, NIDR Special Grants Review Committee, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 504, Bethesda, MD 20205, (telephone 301 496-7658) will provide summaries of meeting, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13-840-Caries Research, 13.841-Periodontal Diseases Research, 13.842-Craniofacial Anomalies Research, 13.843-Restorative Materials Research, 13.844-Pain Control and Behavioral Studies, 13.845-Dental Research Institutes, 13.876-Soft Tissue Stomatology and Nutrition Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: May 26, 1981.

Thomas E. Malone,
Deputy Director, National Institutes of Health.

[FR Doc. 81-10177 Filed 5-29-81; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-56]

Deep River Waterline, CDBG, Lee
County, North Carolina; Intended
Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Deep River Waterline, CDBG, Lee County, North Carolina. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the Federal Register a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the Federal Register, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., May 26, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—Environmental Impact
Statement, Deep River Waterline,
CDBG, Lee County, North Carolina

The Lee County, North Carolina, Office of Community Development intends to prepare an Environmental Impact Statement (EIS) on a proposed project in Lee County described below. Interested agencies, organizations, and the public are invited to provide comments and information on issues which the EIS should address.

Description. The proposed project is the construction of a 12-inch diameter waterline in Deep River Township, generally following the alignment of Old U.S. Highway 1 (SR 1466) from the County water tank at SR 1415 to Deep River Elementary School, a distance of approximately 2.5 miles. The project would receive financial aid from HUD through the Housing and Community Development Act of 1974, as amended. Engineering design and construction are proposed to begin as quickly as feasible after HUD approval of the project, but not sooner than October 1, 1981. Project completion is expected within 12 months thereafter. The purpose of the project is to provide an adequate supply of potable water to the Deep River community, an area of generally low-yield wells. Service to Deep River Elementary School is a major feature of the project due to previously documented contamination of the existing well at the school.

Need. An Environmental Impact Statement is required under 24 CFR 58.25(c), i.e., the project, if constructed, is capable of supporting the development of at least 500 housing units (or equivalents) in excess of present demand for water. At this time, the likely environmental impacts appear to be the direct and temporary impacts normally associated with utility construction. Indirect and long term impacts which may result from development induced by the project include loss of wildlife habitat, an increase in storm water runoff, and increased nutrient loading in project area streams.

Alternatives Perceived. Alternatives to the proposed project as perceived at this time include reduced diameter of the water line; alternate route; no project.

Scoping. This Notice is part of the process for determining the scope of the EIS. Responses will help determine significant environmental issues and identify data which the EIS should address and will help identify cooperating agencies.

Comments. Comments and information should be sent on or before June 22, 1981 to: Mr. Elwin J. Buchanan, Director, Lee County Community Development Office, Post Office Box 987, Sanford, North Carolina 27330. Telephone number (919) 776-4256.

[FR Doc. 81-16218 Filed 5-29-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Earthquake Studies Advisory Panel;
Public Meeting

Pursuant to Pub. L. 92-463, effective January 5, 1973, notice is hereby given that an open meeting of the Earthquake Studies Advisory Panel will be held beginning at 8:30 a.m. (local time) on Friday, June 12, 1981, and continuing through Saturday, June 13, 1981. The Advisory Panel will meet in the Entrance Level Seminar Room, Colorado School of Mines Building, Colorado School of Mines Campus, 1711 Illinois Street, Golden, Colorado 80225.

(1) *Purpose.* The Advisory Panel was appointed to advise the Geological Survey on earthquake plans and programs which are conducted in cooperation with universities, industry, and other Federal and State government agencies in a coordinated national program for earthquake research.

(2) *Membership.* The Advisory Panel is composed of persons drawn from the fields of geology, geophysics, engineering, rock mechanics, and socioeconomics, primarily from the academic community.

(3) *Agenda.* Review of the program activities for fiscal year 1981 and plans for fiscal year 1982.

For more detailed information about the meeting, please call Dr. John R. Filson, Chief, Office of Earthquake Studies, Reston, Virginia 22092, (703) 860-8472.

Doyle G. Frederick,

Acting Director, U.S. Geological Survey.

[FR Doc. 81-16223 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

California; Emergency Closure of
Public Lands

Notice is hereby given that effective immediately all designated areas of public lands in Section 17 and 18, T. 1 N., R. 27 E., MDBM, located north of the maintained gravel/dirt road traversing diagonally from near the east half of Section 18 to the extreme southwest corner of Section 17, and east of the mining access road which parallels the west line north along the east half of Section 18 with the exception of the designated parking area and access road, are closed to all vehicle access except when authorized for administrative purposes (see

accompanying map).¹ Copies of the map are available at the Bakersfield District Office.

The purpose of this closure is to protect the fragile Mono Lake Tufa Towers from damage by motor vehicles.

Authority for this closure is under Title 43 CFR 8341.2 and will be in effect until further notice.

Harold W. Lamb,

Acting District Manager.

[FR Doc. 81-16181 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-84-M

Casper District Advisory Council; Meeting

Notice is hereby given, in accordance with Pub. L. 92-463, that a meeting of the Casper District Advisory Council will be held on July 21 and 22, 1981.

On July 21, the meeting will begin at 9:00 a.m. in the conference room of the Casper District Office, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming. Attendees will then travel to Midwest, Wyoming, approximately 35 miles north of Casper, for a tour of the Salt Creek Area of Critical Environmental Concern (ACEC). On July 22 the meeting will convene at 9:00 a.m. in the Casper District Office.

The agenda will include discussion of problems and opportunities observed during the previous day's tour of the Salt Creek ACEC and requirements for preparation of an ACEC implementation plan.

The meeting will be open to the public. Persons attending the tour on July 21 must furnish their own transportation, food, and drink. Interested persons may make oral statements or file written statements for the council's consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601 by July 17, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the district manager.

Summary minutes of the meeting will be maintained in the district office and be available for public inspection within 30 days following the meeting.

Robert E. Wilber,

District Manager.

[FR Doc. 81-16216 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-84-M

Worland District Advisory Council; Meeting

May 22, 1981.

Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Worland District Advisory Council will be held on Wednesday, July 1, 1981 at 9:00 a.m. at the bureau of Land Management Office annex, 1701 Robertson Avenue, Worland, Wyoming 82401.

The agenda for the meeting will include: Development of criteria for the BLM draft rangeland policy, and any discussion in response to public statements presented at the meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 1:00 and 1:30 p.m., or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address on or before, Tuesday, June 30, 1981. Written statements must be received by close of business on June 30, 1981. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction, during regular business hours, within 30 days following the meeting.

Paul M. Andrews,

Acting District Manager.

[FR Doc. 81-16215 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-84-M

[CA 9070]

Notice of Conveyance of Public Land; Kings County, Calif.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1713), the Salyer Land Company, P.O. Box 488, Corcoran, California 93212, has purchased by noncompetitive sale public land in Kings County, California, described as:

Mount Diablo Meridian, California

T. 23 S., R. 20 E.,

Sec. 34, Lots 2, 3, and 5;

Containing 84.07 acres.

The purpose of this notice is to inform the public and interested state and local governmental officials of the issuance of

the conveyance document to the Salyer Land Company.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

May 22, 1981.

[FR Doc. 81-16179 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Chesapeake and Ohio Canal; Cumberland/North Branch Area; Availability of Environmental Assessment and Notice of Public Hearing

The National Park Service has prepared an Environmental Assessment for the Cumberland/North Branch Development Concept Plan. This assessment has been undertaken to direct future management and use of the area.

The document includes a description of the environment, description of alternatives developed to answer the needs and objectives of the park, and an assessment of the impacts associated with each of the alternatives.

A public meeting on this issue will be held June 17, at 7:30 p.m. in the Continuing Education Building, (Rooms 11, 12, 13 and 14), Allegany County Community College, Cumberland, Maryland.

Written comments on this assessment are invited and will be accepted until July 17, 1981. Comments should be addressed to the Superintendent, Chesapeake and Ohio Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782.

Copies of the assessment are available from:

Chesapeake and Ohio Canal NHP, P.O. Box 4, Sharpsburg, Maryland 21782
National Park Service, National Capital Region, 1100 Ohio Drive, SW., Washington, D.C. 20242

Dated: May 21, 1981.

Robert Stanton,

Acting Regional Director, National Capital Region.

[FR Doc. 81-16313 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-70-M

Chesapeake and Ohio Canal National Historical Park, Great Falls, Maryland; Availability of Record of Decision for the Development Concept Plan

The National Park Service has prepared the Record of Decision for the Great Falls, Maryland Development Concept Plan. This record documents the selected course of action for the

¹ Map filed as a part of original document.

management and use of the Great Falls area of the Chesapeake and Ohio Canal National Historical Park.

Written comments will be accepted until July 1, 1981, and should be addressed to the Superintendent, Chesapeake and Ohio Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782.

Copies of the Record of Decision are available from:

Chesapeake and Ohio Canal NHP, P.O. Box 4, Sharpsburg, Maryland 21782
National Capital Region, 1100 Ohio Drive, SW., Washington, D.C. 20242

Dated: May 21, 1981.

Robert Stanton,

Acting Regional Director, National Capital Region.

[FR Doc. 81-16312 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-70-M

Lewis and Clark, National Historic Trail Advisory Council; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that two meetings of the Lewis and Clark National Historic Trail Advisory Council will be held. The Council Chairperson and Advisory Council members residing in the States of Illinois, Missouri, Kansas, Iowa, Nebraska, South Dakota, North Dakota, and Washington, D.C. will meet June 17, 1981, beginning at 9:00 a.m. at the Ramada Inn, 7007 Grover Street, Omaha, Nebraska. The Council Chairperson and Advisory Council members residing in the States of Montana, Idaho, Washington, and Oregon will meet June 24, 1981, beginning at 9:00 a.m. at the Mallory Hotel, 729 Southwest 15th Avenue, Portland, Oregon.

The Council was established by the Act of November 10, 1978, 92 Stat. 3467, 16 U.S.C. 1244, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Lewis and Clark National Historic Trail.

The members of the Council are as follows:

Mr. J. L. Dunning (Chairperson)
Mr. Phil F. Knerl
Mr. Victor Ecklund
Dr. K. Ross Toole
Mr. Clarence H. Decker
Mr. Joseph A. McElwain
Mrs. Shirley Tanzer
Mr. Rudy Clements
Mr. Charles T. Coston
Mr. William M. Lockwood
Mr. Sherry Fisher
Mr. Larry Jochims
Mr. Willard Burney

Dr. John Caylor
Mr. Jim Cooper
Mr. John G. Lepley
Mr. Walter Hjelle
Mr. Dayton W. Canaday
Dr. E. G. Chuinard
Mr. Ralph Rudeen

Matters to be discussed at the meeting will include issues related to the Comprehensive Management Plan for the Lewis and Clark National Historic Trail and the role of the Council in administration of the Trail.

The meeting will be open to the public. Interested persons may submit written statements to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Bill Farrand, Rivers and Trails Coordinator, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102, telephone 402-221-3482 (FTS 864-3482). Minutes of the meeting will be available for public inspection 3 weeks after the meeting at the Midwest Regional Office.

Dated: May 15, 1981.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 81-16314 Filed 5-29-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR § 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral

hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: May 27, 1981.

By the Commission, Krock, Joyce and Dowell.

MC-F-14586F, filed March 4, 1981. ONEDIA MOTOR FREIGHT, INC., Commercial Avenue, Carlstadt, New Jersey 07072; DORN'S TRANSPORTATION, INC., Railroad Avenue Extension (Colonie), Albany, New York 12205. Representatives: William Biederman, 371 Seventh Avenue, New York, New York 10001; Irving Klein, 371 Seventh Avenue, New York, New York 10001. Oneida Motor Freight, Inc. (known as "Oneida") seeks authority to acquire control of the interstate operating rights and properties of Dorn's Transportation, Inc. (known as "Dorn's") through the purchase by Oneida of all the issued and outstanding capital stock of Dorn's. Donald T. Singleton, the majority stockholder of Oneida seeks authority to acquire control of Dorn's through the transaction. Upon the grant of authority to control as aforesaid, Oneida seeks to merge Dorn's into it so that Oneida will be the surviving corporation. Dorn's is authorized to operate as a motor common carrier pursuant to Certificate Number MC-84212 and numerous subs. Generally it may serve the States of MA, CT, RI, a large portion of NY, numerous points in NJ and PA, Wilmington, DE, Baltimore, MD, and Washington, D.C. Oneida Motor Freight, Inc., holds authority in MC-83430 which authorizes operations to and from all points in NY, NJ, Eastern PA, and a portion of CT. An application for temporary authority to control Dorn's and for temporary authority by Oneida to lease Dorn's operating rights and properties pending final determination of the permanent application as redescribed has been filed.

MC-F-14626, filed April 30, 1981. MIDWEST EMERY FREIGHT SYSTEM, INC., 5501 West 79th Street, Burbank, IL 60459; TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Texas 75261. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Midwest Emery seeks authority to merge the interstate operating rights and property of Trans-Cold into Midwest Emery. Milton D. Ratner and Midwest Emery presently control Trans-Cold pursuant to authority granted in docket MC-F-8619. Trans-Cold operates as a motor common carrier pursuant to authority issued in MC-114045 and Subs thereunder which authorize the transportation of general commodities and various specified commodities to and from points in all 48 contiguous states. Midwest Emery operates as a motor common carrier under authority issued in MC-114019 and Subs thereunder which authorize the transportation of general commodities

and various specified commodities generally between points in CO and the East Coast north of the Mason Dixon Line. Midwest Emery and Milton D. Ratner also control Little Audrey's Transportation Co., Inc. pursuant to Docket MC-F-7351 and Belford Trucking Co., Inc. pursuant to Docket MC-F-7806. Rentar Industries, Inc. and Milton D. Ratner control Midwest Emery and a contract carrier, Hi-Cube Contract Carrier Corp. pursuant to Docket MC-F-14413. (Hearing site: Chicago, IL).

MC-F-14589, filed May 12, 1981. SPECTOR RED BALL, INC. (SRB)—MERGER—ET&WNC TRANSPORTATION COMPANY (ET&WNC), (both of 3177 Irving Boulevard, Dallas, TX 75247). Representative: Russell R. Sage, Suite 400, Overlook Office Building, 6121 Lincolnia Road, Alexandria, VA 22312. SRB seeks authority for merger of all of the interstate operating rights and property of ET&WNC into SRB for ownership, management and operation. TeleCom Corporation, a publicly-held non-carrier, which controls SRB through stock ownership, seeks authority to acquire control of said rights and property through the merger. ET&WNC's authority to be merged into SRB is contained in certificates issued in MC-52953 and sub-numbers thereunder, which authorize the transportation as a motor common carrier of *general commodities*, with exceptions, in the States of AL, AR, CT, DE, GA, MD, MS, NC, NJ, NY, PA, SC, TN, VA and DC, and of specified commodities in the States of AR, MD, NC, NJ, NY, PA, SC and TN. SRB holds authority to operate as a motor common carrier pursuant to certificates issued in MC-2229 and sub-numbers thereunder in all of the continental United States. Notes—(1) Common control of SRB and ET&WNC was approved in MC-F-13383; (2) SRB intends to tack the regular-route authority acquired from ET&WNC with SRB's existing authority and the irregular-route authority acquired from ET&WNC with SRB's existing regular-route authority; and (3) by decision served in this proceeding April 22, 1981, SRB was authorized to omit from the application the financial data required in Exhibits A-5 through A-8 for its subsidiaries and for TeleCom Corporation and ET&WNC was authorized to substitute a narrative description of its traffic handled in lieu of a detailed abstract of shipments; (4) SRB is authorized to operate as a motor common carrier under certificates issued in MC-2229 and sub-numbers thereunder and those certificates acquired in MC-F-14385 under MC-

69116 and sub-numbers thereunder; (5) C. B. Weller, a director of SRB, is an officer and director of Refrigerated Transport, Inc., operating under MC-97998 and sub-numbers thereunder; (6) W. Grogan Lord, a director of SRB, is also a director of Frozen Food Express, Inc., operating under MC-108207 and sub-numbers thereunder; (7) ET&WNC controls, through stock ownership, East Tennessee and Western North Carolina Railroad Company, a rail carrier operating between Johnson City, TN, and a point outside of Elizabethton, TN; (8) SRB filed a directly related application under 49 U.S.C. 11302 in Finance Docket No. 29647, in which SRB seeks authority to assume the outstanding securities of ET&WNC in connection with the proposed merger. As of April 1, 1980, the outstanding securities of ET&WNC aggregated \$337,417.02. All the securities of ET&WNC to be assumed by SRB were issued by ET&WNC pursuant to Commission approval under Finance Docket Nos. 27202, 28178, and 28277. Agatha L. Mergenovich, Secretary.

[FR Doc. 81-16295 Filed 5-29-81; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-39)]

Missouri-Kansas-Texas Railroad Co. Exemption for Contract Tariff

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and may file this contract tariff on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: Missouri-Kansas-Texas Railroad Company (MKT) filed on May 20, 1981, a petition for exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests we permit it to advance the effective date of tariff ICC-MKT-C-0047 from June 4, 1981, so that the effective date would be on one day's notice. This request was supported by the shipper.

This contract involves the annual volume rates on wheat flour to Galveston and Houston, Texas for

export. It was issued May 1, 1981, with a scheduled effective date of June 4, 1981.

Under 49 U.S.C. 10713(e) contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under section 10505 exemption authority in exceptional situations.

The petition shall be granted. As a result of the contract, the rail contract shipper tendered a bid under PL 480, Title I, to Egypt for new business. The Egyptians have now awarded a contract to the shipper and expect him to begin shipping May 21, 1981. This is the type of exceptional or emergency situation which warrants an exception. Moreover, no protests have been filed. We thus conclude that authorization of a provisional exemption is warranted to be effective on one day's notice.

We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101 and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the Federal Register.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: May 27, 1981.

By the Commission, Division 2,
Commissioners Gresham, Trantum, and
Alexis. Commissioner Alexis dissented with
a separate expression.

Agatha L. Mergenovich,
Secretary.

Commissioner Alexis, dissenting:
I find no emergency or special
circumstances which warrants an
exemption in this case. In my opinion,
exemptions from the required 30 day
notice period should not be granted
freely, particularly where a little
advance planning by petitioners would
eliminate the need for such requests.
While I strongly endorse and advocate
the use of railroad contract rates, I do

not believe that we should routinely use our exemption powers to circumvent the statutory language of Section 208 of the Staggers Act.

[FR Doc. 81-16292 Filed 5-29-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OPY4-158]

Motor Carriers; Permanent Authority; Decision-Notice

Decided: May 26, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issued of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2,
Members Carleton, Fisher, Williams.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 142987 (Sub-3), filed May 18, 1981.
Applicant: WILLIAM C. CHERWIN,
d.b.a. BOADY ENTERPRISES, 1955
Diehl Rd., Aurora, IL 60505.
Representative: Richard A. Westley,
4506 Regent St., Suite 100, Madison, WI
53705, (508) 238-3119. Transport *food
and other edible products and
byproducts intended for human
consumption* (except alcoholic
beverages and drugs), *agricultural
limestone and fertilizers, and other soil
conditioners* by the owner of the motor
vehicle in such vehicle, between points
in the U.S.

MC 146196 (Sub-3), filed May 15, 1981.
Applicant: RICH DOSS, INC., 3809 Stony
Point Rd., Santa Rosa, CA 95401.
Representative: Matthew F. Hunziker,
2306 Gifford Ct., Santa Rosa, CA 95401,
(707) 528-4259. Transporting, for or on
behalf of the United States Government
general commodities (except used
household goods, hazardous or secret
materials, and sensitive weapons and
munitions), between points in the U.S.

[FR Doc. 81-16293 Filed 5-29-81; 8:46 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement

in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-3-076

Decided: May 26, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 2934 (Sub-106), filed May 4, 1981. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032.

Representative: W. G. Lowry (same address as applicant), (317) 875-1142. Transporting *furniture and fixtures*, between Jasper and Broden, IN, and Fordsville, KY, on the one hand, and, on the other, points in AZ, CA, CO, IA, MT, NV, NM, OR, UT, WA, and WY.

MC 53965 (Sub-192), filed May 4, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401.

Representative: Bruce A. Bullock, One Woodward Ave., 26th Floor, Detroit, MI 48226, (313) 965-2577. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Gates Rubber Company, of Denver, CO.

MC 61335 (Sub-15), filed May 5, 1981. Applicant: TRANS-BRIDGE LINES, INC., P.O. Box 146, Phillipsburg, NJ 08865. Representative: W. C. Mitchell,

370 Lexington Ave., New York, NY 10017, (212) 532-5100. Over regular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, (1) between Bethlehem, PA, and New York, NY, from Bethlehem over U.S. Hwy 22 to junction Interstate Hwy 78, then over Interstate Hwy 287 to junction Interstate Hwy 95, (near Fords), and then over Interstate Hwy 95 and Lincoln Tunnel to New York, NY, and return over the same route, serving the intermediate points at Kearny, Newark, and Pluckemin, NJ, for the purposes of joinder only, (2) between Pluckemin, NJ, and Newark, NJ, over Interstate Hwy 78, as an alternate route for operating convenience only, serving no intermediate points, and (3) between Pluckemin, NJ, and Kearny, NJ, from Pluckemin over Interstate Hwy 287 to Parsippany, NJ, then over Interstate Hwy 80 to junction Interstate Hwy 280,

then over Interstate Hwy 280 to junction Interstate Hwy 95 at Kearny, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points.

MC 109154 (Sub-25), filed May 11, 1981. Applicant: BAYLOR TRUCKING, INC., R.R. 1, Milan, IN 47031.

Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635-2339. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contact(s) with (1) Federal Department Stores, Inc., of Cincinnati, OH; (2) Senco Products, Inc., of Cincinnati, OH; (3) Sorg Paper Company, of Middletown, OH; (4) Hammermill Paper Company, of Erie, PA; and (5) Champion International Corporation, of Stamford, CT.

MC 117954 (Sub-29), filed May 8, 1981.

Applicant: H. L. HERRIN, P.O. Box 1106, Metairie, LA 70004. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202, (316) 265-2634. Transporting *food and related products*, between points in IL, IA, SD and TN, on the one hand, and, on the other, point in AL, AR, KS, LA, MS, MO, OK and TN.

MC 123074 (Sub-19), filed May 4, 1981.

Applicant: M. L. ASBURY, INC., 141 South Main St., Romeo, MI 48065. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48064, (313) 649-6650. Transporting *asphalt and asphalt products*, between Detroit, MI, on the one hand, and, on the other, points in OH.

MC 123294 (Sub-92), filed May 11,

1981. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant), (219) 926-7575. Transporting *clay, concrete, glass or stone products*, between points in Lake County, IL and Sheboygan County, WI, on the one hand, and, on the other, points in Appanoose and Henry Counties, IA.

MC 128095 (Sub-45), filed May 8, 1981.

Applicant: IBCO TRUCK LINE, INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948-8820. Transporting *furniture and fixtures*, between St. Louis, MO, and points in Orange County, IN and Greene County, MO, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 134845 (Sub-48), filed May 11,

1981. Applicant: LAKE STATE TRANSPORT, INC., P.O. Box 944, St. Cloud, MN 56301. Representative:

Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, 1 (612) 457-6889. Transporting *metal products, and clay, concrete or stone products*, between points in Stearns County, MN, on the one hand, and, on the other, points in the U.S.

MC 135185 (Sub-61), filed May 4, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. BOX 66, 52275 U.S. Hwy 31 N., South Bend, IN 46624. Representative: Jack B. Wolfe, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, (303) 839-5856. Transporting *such commodities as are dealt in or used by manufacturers of confectionery products*, between points in the U.S.

MC 135364 (Sub-48), filed May 5, 1981. Applicant: MORWALL TRUCKING, INC., P.O. Box 76C, R.D. 3, Moscow, PA 18444. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893-3050. Transporting (1) *transportation equipment*, (2) *rubber and plastic products*, and (3) *chemicals and related products*, between points in the U.S. under continuing contract(s) with Phillips Tire Sales, Inc., of Scranton, PA.

MC 138714 (Sub-10), filed May 4, 1981. Applicant: VIRGINIA TRANSPORTATION, INC., P.O. Box 26449, 1814 High Point Ave., Richmond, VA 23281. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave. NW., Washington, DC 20005, (202) 347-9332. Transporting *general commodities (except classes A and B explosives)*, between points in the U.S. under continuing contract(s) with Stancraft Corporation, of Richmond, VA.

MC 144135 (Sub-5), filed May 4, 1981. Applicant: L & V TRUCKING, INC., 32650 Almaden Blvd., Union City, CA 94587. Representative: Gene Carmody, 15523 Sedgeman St., San Leandro, CA 94579, (415) 357-8236. Transporting *steel roofing and beams*, between points in the U.S. under continuing contract(s) with Inryco, Inc., of Milwaukee, WI.

MC 144144 (Sub-7), filed May 4, 1981. Applicant: RAINS TRUCKING SERVICE, INC., P.O. Box 73, DuQuoin, IL 62832. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-8655. Transporting *hazardous materials*, between points in the U.S. under continuing contract(s) with Southwestern Illinois Coal Corporation, of Percy, IL.

Note.—The certificate granted in this proceeding shall expire 5 years from the date of issuance.

MC 145904 (Sub-39), filed May 4, 1981. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50740. Representative: Stanley C. Olsen, Jr., 5200 Willson, Suite 307, Edina, MN

55424, (612) 927-8855. Transporting *food and related products*, between points in Seward County, KS, on the one hand, and, on the other, points in the U.S.

MC 148284 (Sub-4), filed May 4, 1981. Applicant: DON YOUNGBLOOD TRUCKING, INC., P.O. Box 309, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521-8121. Transporting (1) *pulp, paper and related products*; (2) *rubber and plastic products*; (3) *non-wovens and non-woven articles*; and (4) *metal products*, between points in the U.S.

MC 150954 (Sub-28), filed May 4, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 215, San Antonio, TX 78217, (512) 826-6496. Transporting (1) *building materials*, and (2) *fiberglass fabric rovings and yarn*, between points in the U.S., under continuing contract(s) with Certainteed Corporation, of Wichita Falls, TX.

MC 150954 (Sub-29), filed May 4, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 215, San Antonio, TX 78217, (512) 826-6496. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Taracorp Industries, of Granite City, IL.

MC 150954 (Sub-30), filed May 4, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 215, San Antonio, TX 78217, (512) 826-6496. Transporting (1) *rubber and plastic products*, and (2) *petroleum, natural gas and their products*, between points in the U.S., under continuing contract(s) with Cosden Oil & Chemical Company, of Dallas, TX.

MC 150954 (Sub-31), filed May 4, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 215, San Antonio, TX 78217, (512) 826-6496. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Siefloor Corporation, of North Hollywood, CA.

MC 153375, filed May 12, 1981. Applicant: TRANS-ARCTIC FREIGHT, INC., d.b.a. BIG WHEEL EXPRESS, P.O. Box 80564, College, AK. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235-1111.

Transporting *general commodities (except classes A and B explosives)*, between points in AK.

MC 154544, filed May 4, 1981. Applicant: JOHN MOSIER, d.b.a. JOHN MOSIER TRUCKING, 1065 Powers, Colorado Springs, CO 80915. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, (817) 457-0804. Transporting *agricultural materials, equipment and supplies*, between points in the U.S., under continuing contract(s) with Tumac Industries, Inc., of Colorado Springs, CO.

MC 154674, filed May 4, 1981. Applicant: ELMER BUCHTA TRUCKING, INC., 414 Washington St., Otwell, IN 47564. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *coal and coal products*, between St. Louis, MO and points in IL, IN, KY, OH, and TN.

MC 154674 (Sub-1), filed May 5, 1981. Applicant: ELMER BUCHTA TRUCKING, INC., 414 Washington St., Otwell, IN 47564. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46204, (317) 846-6655. Transporting *commodities in bulk*, between points in Posey, Vanderburgh and Jefferson Counties, IN and Henderson and Davis Counties, KY, on the one hand, and, on the other, points in IL, IN, KY, and OH.

MC 155695 filed May 12, 1981. Applicant: WEIDHAAS TOURS, INC., 4420 Westfield Ave., Pennsauken, NJ. Representative: Robert J. Weidhaas (same address as applicant), (609) 665-2877. Transporting *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, between points in NJ, PA and NY, on the one hand, and, on the other, points in the U.S.

MC 155765, filed May 5, 1981. Applicant: A-WARE CHARTER LEASING, INC., 2712 North New Ave., Rosemead, CA 91770. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650, (213) 863-8883. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip special and charter operations, beginning and ending at points in Los Angeles and Orange County, CA and extending to points in AZ, NV, and UT.

Volume No. OPY-4-156

Decided: May 20, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 61977 (Sub-41), filed May 18, 1981. Applicant: ZERKLE TRUCKING COMPANY, Route 6, Box 18, South Point, OH 45680. Representative: N. W. Bowen, Jr. (same address as applicant), (614) 894-7777. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Pennzoil Products Co., of Oil City, PA.

MC 63417 (Sub-307), filed May 18, 1981. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain, (same address as applicant), (800) 336-9629 (toll free), (703) 342-1835. Transporting *general commodities* (except classes A and B explosives), between the facilities of W. R. Grace Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 67646 (Sub-100), filed May 15, 1981. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher, (same address as applicant), (717) 790-8543. Transporting *building materials*, between the facilities of Therma-Tru, Division of LST Corporation, at points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 97127 (Sub-18), filed May 19, 1981. Applicant: BATESVILLE TRUCK LINE, INC., P.O. Box 2397, Batesville, AR 72501. Representative: Don A. Smith, P.O. Box 43, 510 N. Greenwood Ave., Fort Smith, AR 72902, (501) 782-1001. Transporting *general commodities* (except classes A and B explosives), serving points in Clay, Craighead, Crittenden, Cross, Greene, Jackson, Lawrence, Mississippi, Poinsett, Randolph, and Woodruff Counties, AR, as off-route points in connection with carrier's otherwise regular-route operations.

Note.—Applicant intends to tack this authority with its existing authority.

MC 139767 (Sub-8), filed May 18, 1981. Applicant: FAIRWAY TRANSIT, INC., N10 W24730 Highway TJ, Pewaukee, WI 53072. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705, (608) 238-3119. Transporting *commodities in bulk*, between points in IL, IN, IA, KY, MI, MN, MO, OH, and WI.

MC 149097 (Sub-1), filed May 18, 1981. Applicant: COLUMBIA BASIN TRUCKING CORPORATION, P.O. Box 113, Pasco, WA 99301. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101, (206) 624-7373. Transporting *general commodities* (except classes A

and B explosives), between points in WA, OR, ID, and MT.

Volume No. OPY-4-157

Decided: May 26, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

W-1327, filed May 6, 1981. Applicant: THE GREAT SNAKE LAKE FUN AND TRANSPORTATION CO., d.b.a. WHATEVER, Box 1587, White Salmon, WA 98672. Representative: Bill Kellum, (same address as applicant), (509) 493-2277. Transporting, by water, *passengers*, between points in the Columbia, Willamette and Lower Snake Rivers.

MC 3217 (Sub-4), filed May 18, 1981. Applicant: SCENIC STAGE LINE, INC., 606 Portland Ave., Morrison, IL 61270. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392-1220. Transporting *passengers and their baggage*, in round-trip charter operations, beginning and ending at points in Stephenson, Winnebago, Carroll, Whiteside, Joe Daviess, Ogle, La Salle, Rock Island, Henry, Bureau, and Lee Counties, IL; Rock, Green, Lafayette, and Walworth Counties, WI, and Clinton, Muscatine, Scott and Jackson Counties, IA and extending to points in the U.S. (except HI).

MC 5267 (Sub-21), filed May 18, 1981. Applicant: ATWOOD TRUCK LINES, INC., 9151 Welby Rd., Thornton, CO 80229. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264, (303) 861-4028. Transporting *cement*, between points in CO, KS, NE, NM, UT, and WY.

MC 59117 (Sub-82), filed May 18, 1981. Applicant: ELLIOTT TRUCK LINE, INC., 101 East Excelsior, P.O. Box 1, Vinita, OK 74301. Representative: Tom B. Kretsinger, 20 East Franklin, P.O. Box 258, Liberty, MO 64068, (816) 781-8000. Transporting *chemicals and related products*, between Houston, TX and points in St. Bernard and Orleans Parishes, LA, on the one hand, and, on the other, points in KS.

MC 59457 (Sub-60), filed May 15, 1981. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., 6 Old Amity Rd., Bethany, CT 06525. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728-0700. Transporting *printed matter*, between points in the U.S.

MC 70557 (Sub-54), filed May 15, 1981. Applicant: NEILSEN BROS. CARTAGE CO., INC., 4619 West Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *pulp, paper and related products*, and *rubber*

and *plastic products*, between points in the U.S.

MC 145997 (Sub-38), filed May 15, 1981. Applicant: J.E.M. EQUIPMENT, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521-8121. Transporting *petroleum, natural gas and their products*, between Ft. Smith, AR, on the one hand, and, on the other, points in the U.S.

MC 146337 (Sub-1), filed May 15, 1981. Applicant: NEW WEST TRANSPORTATION, INC., 17090 S. 54th St., Chandler, AZ 85224. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264-4891. Transporting (1) *metal products*, (2) *machinery*, (3) *construction materials*, and (4) *those commodities* which because of their size or weight require the use of special handling or equipment, between points in AZ, CA, NV, UT, CO, TX, OR, NM, WY, ID, WA, MT, and AK.

MC 147417 (Sub-3), filed May 18, 1981. Applicant: NEALY ENTERPRISES OF MISSISSIPPI, INC., Rt. 1, Cooktown Rd., Ruston, LA 71295. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948-8820. Transporting *such commodities* as are dealt in or used by automotive supply stores, between points in the U.S., under continuing contract(s) with Genuine Parts Company, of Jefferson, LA.

MC 148617 (Sub-1), filed May 15, 1981. Applicant: ATTHOWE TRANSPORTATION CO., 926 32nd St., Oakland, CA 94608. Representative: Ronald C. Chauvel, 100 Pine St., # 2550, San Francisco, CA 94111, (415) 986-1414. Transporting *fine art, objects of art, paintings, and art displays and exhibits*, between points in the U.S.

MC 149137 (Sub-6), filed May 15, 1981. Applicant: MASTER TRANSPORT SERVICE, INC., 5000 Wyoming Ave., Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, (616) 941-5313. Transporting *general commodities*, (except classes A and B explosives), between the facilities of Warner-Lambert Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150587 (Sub-2), filed May 11, 1981. Applicant: ROSS DEMING, Box 136, Dell Rapids, SD 57022. Representative: Thomas J. Simmons, Box 480, Sioux Falls, SD 57101, (605) 339-3629. Transporting *prefabricated buildings*, between points in the U.S., under continuing contract(s) with Triple E. Building Systems, of Brandon, SD.

MC 150627 (Sub-2), filed May 18, 1981. Applicant: JAMES FINCH, d.b.a., FINCH HOT SHOT SERVICE, 7601 S. Central Expressway, Dallas, TX 75216. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767, (512) 472-1101. Transporting *electrical supplies*, between points in the U.S., under continuing contract(s) with Electra Sales of North Texas, Inc., of Dallas, TX

MC 156037, filed May 19, 1981. Applicant: WILLIAM FOX TRUCKING, INC., 7800 S.W. 71st, Portland, OR 97223. Representative: Robert P. Bell, 12720 S.W. 2nd St., Beaverton, OR 97005, (503) 614-6262. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Al Disdero Lumber Co., and Tumatic Lumber Co., Inc., both of Portland, OR.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-16294 Filed 5-29-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 90]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 27, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the *Federal Register* of December 31, 1980, at 45 F.R. 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 297 (Sub-16)X, filed February 23, 1981, previously noticed in the *Federal Register* of March 17, 1981, republished as follows: Applicant: WOODLAND TRUCK LINE, INC., P.O. Box 70, Woodland, WA 98674. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions from its Sub-No. 16X certificate. This Board previously broadened the commodity and territorial authority as set forth in the *Federal Register* of March 17, 1981. Applicant sought off-route county-wide authority which was denied because it was determined to be an unreasonable broadening of territory. Its request to expand portions of its irregular-route authority described in terms of mileage radii to the appropriate counties was also denied. Because of recent Commission decisions declaring these types of broadenings to be reasonable, the Restriction Removal Board has decided to renounce this application with respect to the proposed expansion of off-route points and mileage radii to county-wide authority. Notice is hereby given that applicant seeks (1) to expand its off-route points: from all points within 10 miles of Washington Hwy. 503 between Woodland and Yale, WA to Clark, Cowlitz and Skamania Counties WA, and Columbia County, OR, in part 1 (a); and from points within 10 miles of Washington Hwy. 504 to Cowlitz, Lewis and Kamania Counties, WA, in part (2); and (2) to expand points in the irregular route portion of its authority: from Portland, OR to Multnomah, Washington and Clackamas Counties, OR in parts (1)(a) and (2); from points in Washington within 15 miles of Woodland to Clark and Cowlitz Counties, WA in parts (1)(a), (1)(b), and (2); and from Woodland, WA to Cowlitz County, WA, in parts (3) and (4).

MC 31364 (Sub-5)X, filed April 23, 1981. Applicant: FRANCIS HILL d.b.a. HILL FURNITURE CARRIERS, 8745 Cottage Street, Philadelphia, PA 19136. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. Applicant seeks to remove the restrictions in its lead certificate to (1) broaden the commodity description from new furniture, uncrated, furniture frames, new furniture, and such commodities as are used or are useful in the manufacture of new furniture to "furniture and fixtures" and (2) broaden the territorial description by replacing a plantsite at Upper Merion Township

with Montgomery County, PA, and authorize radial service between Montgomery County, and, points in several States.

MC 95813 (Sub-17)X, filed May 13, 1981. Applicant: SHUMAKER TRUCKING COMPANY, 601 U.S. Route 15, North, Dillsburg, PA 17019. Representative: David Shumaker (same address as above). Applicant seeks to remove restrictions from its lead and Sub-Nos. 13, 14F, and 15F certificates and its E-1 letter notice authority to: (1) broaden the commodity description (a) in its lead certificate to "lumber and wood products" from wooden step ladders; to "metal and metal products" from iron castings; to "pulp, paper and related products, waste or scrap materials" from scrap paper and rags, blotting, filter, fibre and absorbent paper; to "chemicals and related products and farm products" from fertilizer and seed; to "food and related products" from fresh fruit; to "clay, concrete, glass or stone products" from concrete doors, concrete windowsills and concrete coping; to "building materials and supplies" from roofing, siding, shingles, wallboard, and materials and supplies used in the installation of said commodities, and paper carpet lining, paint, and expansion paving joints; to "clay, concrete, glass or stone products" from plaster, and plaster products; (b) in Sub-No. 13, to "clay, concrete, glass or stone products" from refractories and refractory products; (c) in Sub-No. 14F, to "clay, concrete, glass or stone products" from lime, limestone, limestone products, dolomite and refractory products; (d) in Sub-No. 15F, to "clay, concrete, glass or stone products" from refractories and refractory products; (2) replace cities, townships, and facilities with countywide authority (a) in the lead, Union Bridge, MD with Carroll County, MD, Westminster, MD, with Carroll County, MD, Carlisle, PA, with Cumberland, PA, Greenwood, New Castle, Newark, Dover, State Road and Wilmington, DE, with Kent, New Castle, and Sussex Counties, DE, Camden, NJ, with Camden County, NJ, Edgewater, NJ, with Bergen County, NJ, Garrison and Bayonne, NJ, with Hudson County, NJ, Newark, NJ, with Essex County, NJ, Trenton, NJ, with Mercer County, NJ, Mount Holly Springs, PA, with Cumberland County, PA, Jersey City, NJ, with Hudson County, NJ, Elizabeth, NJ, with Union County, NJ, Spotswood, NJ, with Middlesex County, NJ, South Plainfield and Parlin, NJ, with Middlesex County, NJ, Paterson, NJ, with Passaic County, NJ, Belleville, NJ with Essex

County, NJ, Hagerstown, MD, with Washington County, MD, Greene, South Hampton, Gullford Townships, PA and those within five miles thereof in Cumberland County with Franklin and Cumberland Counties, PA, Akron, NY, and points in New York within 75 miles thereof with Chautaugua, Cattaraugus, Allegany, Steuben, Livingston, Wyoming, Erie, Genesee, Niagara, Orleans, Monroe, Wayne, Ontario and Yates Counties, NY, South Hampton Township, PA, with Franklin County, PA, Chambersburg, PA with Franklin County, PA, York, PA, with York County, PA, Akron, NY, with Erie County, NY, (b) in Sub-No. E-1, Hagerstown, MD, with Washington County, MD, (c) in Sub-No. 13, Leslie, MD, with Cecil County, MD, West Manchester Township, PA, with York County, PA, (d) in Sub-No. 14F, York, PA, with York County, PA, West Manchester Township, PA, with York County, PA, (e) in Sub-No. 15F, Leslie, MD with Cecil County, MD, Windham, OH, with Portage County, OH, Templeton, PA with Armstrong County, PA; (3) remove the "except commodities in bulk" restrictions in Sub-Nos. 13 and 14F; (4) remove (a) "in truckloads", "in rolls, in truckloads", "in shipments of less than 40,000 pounds" restrictions in the lead, and (b) in Sub-No. 15F, remove the "ex-water" restriction, (5) substitute radial authority for one-way authority in the lead and Sub-Nos. 13, 14F and 15F and Et to authorize service between various combinations of points in the eastern United States.

MC 118755 (Sub-5)X, filed May 8, 1981. Applicant: CIEUTAT PRODUCE CO., Building F, Unit 21, State Farmer's Market, Forest Park, GA 30050. Representative: Bates Block, 3300 First National Bank Tower, Atlanta, GA 30383. Applicant seeks to remove restrictions in its lead and Sub-No. 2 certificates to (1) broaden the commodity description from bananas to "food and related products" in each certificate; (2) expand city to county-wide authority from Miami and Port Everglades to Dade and Broward Counties, FL, in the lead; Atlanta to Fulton, Cobb, DeKalb, and Clayton Counties, GA, in the lead and Sub-No. 2; Tampa to Hillsborough County, FL, Mobile to Mobile County, AL, Knoxville to Knox County, TN, Charleston to Charleston County, SC, and Morristown to Hamblen County, TN, in the lead; and Gulfport to Harris County, MS, in Sub-No. 2; and (3) change one-way to radial authority between (a) Dade and Broward Counties, FL, and, Fulton, Cobb, DeKalb and Clayton Counties, GA; Hillsborough County, FL, and

Mobile County, AL, and, Fulton, Cobb, DeKalb and Clayton Counties, GA, and Knox County, TN; and New Orleans, LA, and Charleston County, SC, and, Fulton, Cobb, DeKalb and Clayton Counties, GA, and Knox and Hamblen Counties, TN, in the lead; and (b) Harris County, MS, and, Fulton, Cobb, DeKalb and Clayton Counties, GA, in Sub-No. 2.

MC 119422 (Sub-74)X, filed April 27, 1981. Applicant: EE-JAY MOTOR TRANSPORTS, INC., P.O. Box 1037, East St. Louis, IL 62204. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th, N.W., Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 29, 30, 31, 36, 39, 41, 42, 43, 44, 45, 46, 47, 50, 55, 56, 57, 58, 59, 60, 62, 64F, 65, 67F, 68F, 71F, 72, and 73 certificates to (1) broaden the commodity description: in its lead, Sub-Nos. 67 and 72 from petroleum and petroleum products, from liquid petroleum wax in the lead, from fuel oil in the lead, Sub-Nos. 46, and 50 to "petroleum, natural gas, and their products"; from road oil in Sub-Nos. 43, 46, and 50, from lubricating oil in Sub-No. 58 from compounding asphalt in Sub-No. 64 to "petroleum, natural gas and their products"; from asphalt in Sub-Nos. 43, 46, 50, and 64 to "coal and coal products"; from cement in the lead and Sub-Nos. 42, 65, and 68, from cement kiln dust in Sub-No. 39 and from limestone in the lead and Sub-Nos. 31, 45, and 59 to "clay, concrete, glass or stone products"; from fly ash in the lead to "metal products"; from mineral filler in the lead, from lime in Sub-Nos. 45 and 59 to "ores and minerals"; from fertilizer in the lead and Sub-Nos. 30, 41, 44, and 60 from anhydrous ammonia in Sub-No. 44; from plastic pellets in Sub-No. 62 and from acids and chemicals in the lead and Sub-No. 56 to "chemicals and related products"; from plastic pellets in Sub-No. 62 to "rubber and plastic products"; from animal and poultry feed in the lead; from corn products in the lead and Sub-Nos. 57 and 71; from corn flour in Sub-No. 36 and from flour in Sub-Nos. 47 and 55 to "food and related products"; from dry commodities in Sub-No. 29 to "commodities in bulk"; (2) remove the "in bulk" restrictions in the lead and Sub-Nos. 30, 31, 43, 44, 45, 46, 47, 50, 55, 56, 57, 58, 59, 60, 62, 64, 67, 71, 72, and 73 (3) remove the in tank vehicles restriction in lead and Sub-Nos. 43, 44, 46, 50, 62, 64, 67, and 72 (4) remove a restriction to a prior or subsequent movement by rail or water in its lead and Sub-No. 62; (5) remove the in bags restrictions in the lead and Sub-No. 36; (6) remove the restriction against the transportation of cryogenic

liquids and petroleum products in the lead; (7) remove the "originating at and/or destined to" named points restriction in the lead and Sub-Nos. 29, 44, 45, and 47; (8) remove a restriction requiring heat in transit in Sub-No. 64; (9) remove plantsite limitations (a) in the lead and Sub-Nos. 62 and replace East St. Louis, IL with St. Louis County, MO and St. Louis, MO and Monroe, St. Clair and Madison Counties, IL; in the lead and replace St. Louis, MO with St. Louis, Jefferson, and St. Charles Counties, MO and St. Louis, MO and Monroe, St. Clair and Madison Counties, IL; Hannibal, MO with Marion County, MO; Arnold, MO with Jefferson County, MO, (b) in the lead and Sub-No. 29 and replace Tri City Regional Port District, Madison County, IL with Madison and St. Clair Counties, IL and St. Louis County, MO, (c) in Sub-No. 39 and 68 and replace Selma, MO with Jefferson County, MO, (d) in Sub-No. 41 and replace East St. Louis, IL and points within 5 miles thereof with St. Clair, Monroe and Madison Counties, IL and St. Louis, MO and St. Louis County, MO, (e) in Sub-Nos. 42, 47, 58, 65 and replace St. Louis, MO with St. Louis, St. Charles and Jefferson Counties, MO, St. Louis, MO and St. Clair, Madison and Monroe Counties, IL, (f) in Sub-Nos. 44, 50 and replace Meredosia, IL with Morgan County, IL, (g) in Sub-No. 45 and replace St. Genevieve and Mosher, MO with St. Genevieve County, MO and Randolph County, IL, (h) in Sub-No. 56 and replace Pevely, MO and Channahon Township, IL with Jefferson County, MO and Will County, IL; (i) in Sub-No. 60 and replace Bussen Spur, Mo with St. Louis County, MO, (j) in Sub-No. 64 and replace Augusta, KS with Butler County, KS, (k) in Sub-No. 67 and replace Sauget, IL with St. Clair County, IL, (l) in Sub-No. 72 and replace Wood River, IL with Madison County, IL and St. Charles County, MO; (10) change city to county-wide authority; (a) in the lead from Centralia, IL and points within 25 miles thereof to Marion, Fayette, Bond, Clinton, Washington, Perry, Jefferson, Hamilton, Wayne, and Clay Counties, IL; from East St. Louis to Monroe, St. Clair and Madison Counties, IL, St. Louis, MO and St. Louis County, MO; from Louisville, KY to Jefferson and Oldham Counties, KY and Floyd and Clark Counties, IN; from Hannibal, MO to Marion County, MO; from Mt. Vernon, IN to Posey County, IN, (b) in Sub-No. 30 from St. Louis, MO-East St. Louis, IL to St. Louis, St. Charles and Jefferson Counties, MO, St. Louis, MO, and St. Clair, Monroe and Madison Counties, IL; from Ullin, IL to Pulaski County, IL, (c) in Sub-No. 36 from Mt.

Vernon, IN to Posey County, IN; from Millstadt, IL to St. Clair County, IL, (d) in Sub-No. 46 from St. Louis and Chesley Island, MO to St. Louis, Jefferson, and St. Charles Counties, MO, St. Louis, MO, and St. Clair, Monroe and Madison County, IL, (e) in Sub-No. 55 from Springfield, IL to Sangamon County, IL; from St. Louis, MO to St. Louis, St. Charles, and Jefferson Counties, MO, St. Louis, MO, and St. Clair, Madison and Monroe Counties, IL; (f) in Sub-No. 57 from Mt. Vernon, IN to Posey County, IN, (g) in Sub-No. 59 from St. Genevieve, MO to St. Genevieve County, MO and Randolph County, IL, (h) in Sub-No. 71 from Kankakee, IL and Mt. Vernon, IN to Kankakee County, IL and Posey County, IN and (i) in Sub-No. 73 from St. Louis, MO to St. Louis, St. Charles and Jefferson Counties, MO, St. Louis, MO, and St. Clair, Madison and Monroe Counties, IL; and (11) change one-way to radial authority between various combinations of points throughout the US in all certificates except Sub-No. 73.

MC 119634 (Sub-55)X, filed May 8, 1981. Applicant: DICK IRVIN, INC., Hwy 2 West, P.O. Box F, Shelby, MT 59474. Representative: Joe Gerbase, 100 Transwestern Building, Billings, MT 59101. Applicant seeks to remove restrictions in its Sub-Nos. 3, 7, 10, 12, 15, 18, 19, 21, 23, 24, 27F, 28F, 30F, 31F, 32F, 33F, 34F, 43F, 44F, 46F, 47F, 48F, 49F, 50F and 51F certificates (1) to broaden commodity descriptions from fertilizer and by-products thereof, chemicals and agricultural chemicals to "chemicals and related products" in Sub-Nos. 3, 12, 15, 28, 31, 33F, 46F, and 49F; from bleached wood pulp to "pulp, paper and related products" in Sub-No. 10; from talc, diatomaceous earth, bentonite clay, lime and limestone and barite to "clay, concrete, glass and stone products, and ores and minerals" in Sub-Nos. 7, 21, 23, 30F, 47F, 48F and 51F; from cement to "clay, concrete, glass and stone products" in Sub-No. 47F; from carbon black, in bags and processed sulphur, in bags to "petroleum, natural gas and their products" in Sub-Nos. 18 and 19; from used farm machinery and used road building equipment to "machinery" in Sub-No. 24; from baler twine and binder twine to "textile mill products" in Sub-No. 27F; from steel bins, truck beds, culvert, steel buildings and grain handling equipment to "metal products and machinery" in Sub-Nos. 32F and 44F from catalysts, in bulk to "chemicals and related products and waste and scrap materials not identified by industry producing" in Sub-No. 34F; from animal feeds and feed ingredients to "food and related products" in Sub-No. 43F; (2) to remove various

restrictions such as "in bulk, in bags, in containers" in Sub-Nos. 7, 12, 15, 18, 19, 21, 28F, 34F, 49F; (3) remove the facilities limitations in Sub-Nos. 23 and 50F; (4) replace authority to serve specific ports of entry and named points with county-wide authority: Three Forks, MT for Gallatin County, MT, Shelby, MT for Toole County, MT in Sub-No. 7; Shelby, MT for Toole County, MT in Sub-No. 10; Barretts, MT for Beaverhead County, MT in Sub-No. 21; Malta, MT (facility) for Phillips County, MT in Sub-No. 23; Duluth, MN for St. Louis County, MN, and Superior, WI, for Douglas County, WI in Sub-No. 27F; Great Falls, MT for Cascade County, MT in Sub-No. 28F; Spokane, WA for Spokane County, WA, in Sub-No. 32F; St. Joseph, MO for Buchanan County, MO and Minot, ND for Ward County, ND in Sub-No. 33F; Houghton, Atlantic, Sheffield, IA for Lee, Cass, Franklin Counties, IA, LaCygne, Hutchinson, Silver Lake, KS for Linn, Reno, Shawnee Counties, KS Carson City, NV for Carson County, NV, Clay Center, Waverly, Kearney, Grand Island, Columbus, NE, for Clay, Lancaster, Buffalo, Hall, Platte Counties, NE, Aurora, CO for Adams County, CO, Oklahoma City, OK for Oklahoma County, OK, Madison, WI for Dane County, WI, Mattoon, Sterling, Mackinaw, IL for Coles, Whiteside, Tazewell Counties, IL, Fargo, Minot, ND for Cass, Ward Counties, ND, Homer City, PA for Indiana County, PA, Lafayette, LA for Lafayette County, LA in Sub-No. 44F; Midland, MI for Midland County, MI in Sub-No. 49F; Conrad, MT (facility) for Pondera County, MT in Sub-No. 50F; (5) remove specific ports of entry at Sweet Grass and Simpson, MT, to authorize radial service between ports of entry on the U.S.-CN boundary line in MT, in Sub-No. 18; (6) change one-way to radial authority between points in numerous States in the U.S. in Sub-Nos. 7, 10, 12, 15, 19, 21, 23, 24, 27F, 28F, 30F, 31F, 32F, 33F, 43F (part 2), 44F, 46F, 48F and 51F; and (7) remove the restrictions (a) against service in AK and HI in Sub-Nos. 18 and 34F; (b) HI in Sub-No. 50F; (c) originating at and destined to in Sub-Nos. 12, 18, 21, 27F and 28F; and (d) in foreign commerce in Sub-No. 12.

MC 119765 (Sub-99)X, filed May 12, 1981. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27 Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 210, 9202 West Dodge Road, Omaha, NE 68114. Applicant seeks to remove restrictions from its lead certificate to (1) change the commodity descriptions from packinghouse products and various foodstuff items to

"food and related products"; from twine, farm machinery, farm implements and parts to "such commodities as are dealt in by manufacturers and distributors of farm machinery, equipment and supplies"; and from ice cream manufacturer's equipment and supplies, agriculture equipment and supplies, etc., to "such commodities as are dealt in or used by manufacturers and distributors of food and related products and agricultural equipment and supplies"; (2) delete restrictions against certain commodities such as "except liquids, in bulk, in tank vehicles", etc., and "when moving from or to warehouses, plants or other facilities of meat packinghouses"; (3) eliminate the facilities limitation on sheet 2; (4) authorize radial service where only one-way exists between specified points in IL, IA, MO, and NE; and (5) replace city-wide authority with county-wide authority as follows: Elgin with Kane County, IL; Joliet with Will County, IL; Rockford with Winnebago County, IL; East Chicago with Lake County, IN; Canton with Fulton County, IL; Moline and Rock Island with Rock Island County, IL; Rock Falls with Whiteside County, IL; Rochelle with Ogle County, IL; Harlan with Shelby County, IA; Momence with Kaukaee County, IL; Omaha with Douglas County, NE; Freeport with Stephenson County, IL; Libertyville with Lake County, IL; Scottsbluff with Scotts Bluff County, NE; Grand Island with Hall County, NE; Kearney with Buffalo County, NE; Hastings with Adams County, NE; North Platte with Lincoln County, NE; Fremont with Dodge County, NE; Norfolk with Madison County, NE; Columbus with Platte County, NE; Crawford with Dawes County, NE; McCook with Red Willow County, NE; Beatrice with Gage County, NE; Nebraska City with Otoe County, NE; Waverly and Lincoln with Lancaster County, NE; Alliance with Box Butte County, NE; Crete with Saline County, NE; Seward with Seward County, NE; Chilton with Calumet County, WI; Fond du Lac with Fond du Lac County, WI; Green Bay with Brown County, WI; Plymouth with Sheboygan County, WI; Waupun with Dodge and Fond du Lac Counties, WI; Council Bluffs with Pottawattamie County, IA; Davenport with Scott County, IA; Mapleton with Monona County, IA; Sioux City with Woodbury County, IA; Council Grove with Morris County, KS; Concordia with Cloud County, KS; and Dodge City with Ford City, KS; and (5) remove tacking and interlining restrictions in its lead certificate so as to allow tacking wherever permissible as set forth at 49 CFR 1042.10(b).

MC 121060 (Sub-137)X, filed May 14, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: Ronald F. Harris (same as above). Applicant seeks to remove restrictions in its Sub-Nos. 25, 58, 80, 81, 82, 84, 86, 88, 92, 93, 94, 95, 96, 97, 98, 101, 102, 103, 104, 106, 107, 113, 114, 118, 120, 121, 122, 123, and 124, certificates to: (1) broaden the commodity description (a) to "metal products and machinery" from pipe, fittings, castings, manhole covers and frames, hydrants, valves and iron and steel articles, in Sub-Nos. 81F and 123F, and from steel pipe, pipe fittings, beams, piling, rails, railway track accessories, pile drivers and pile extractors in Sub-No. 99F; (b) to "metal products" from iron and steel articles and nuts, bolts, and scrap metals in Sub 58, 107, 113, 121, and 124, from aluminum and aluminum articles in Sub-Nos. 82F, 86F and 92F; (c) to "building materials, metal products, and plastic and rubber products" from building materials equipment and supplies in Sub-No. 68F; (d) to "clay, concrete, glass or stone products, plastic or rubber products, and metal products" from refractories and such commodities as are used in the installation thereof and, pipe, valves, fittings, hydrants and gaskets in Sub-No. 80F; (e) to "clay, concrete, glass, or stone products", from refractories in Sub-No. 104F; (f) to "pulp, paper and related products" from paper and paper products in Sub-Nos. 103F and 118F; (g) to "chemicals and related products, construction materials, plastic or rubber products, machinery, metal products, clay, concrete, glass or stone products, lumber and wood products, and building materials" from paint, ceiling systems, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels; steel ceiling beams, applicators and roofing caps in Sub-No. 25; (h) to "building materials, lumber and wood products, pulp, paper and related products" from building board, composition board, wall board, and insulating board in Sub-No. 101F and composition board in Sub-No. 102F; (i) to "building materials, metal products, and machinery" from construction material and materials, equipment and supplies used in the manufacture of such commodities in Sub-Nos. 84F, 93F, 94F, 95F, 96F, 97F, 98F, and 106; (j) to "plastic and rubber products" from plastic pipe and fittings and conduits, connections and valves in Sub-Nos. 114 and 122; (2) remove the "except commodities in bulk, in dump or tank vehicles" restriction in Sub-Nos. 25, 80, 81, 82, 84, 88, 92, 93, 94, 95, 96, 97, 98, 99, 101, 103, 106, 118, 120, 122, 123, and 124; (3)

replace one-way authority with radial authority between named States, counties, and various points in the U.S. in Sub-Nos. 25, 80, 81, 84, 86, 88, 101, 102, 104, 113, 114, 121, and 122; (4) remove the territorial restrictions limiting service to traffic originating at or destined to facilities in Sub-Nos. 58, and 101; (5) remove the restriction excluding service to "AK and HI" in Sub-Nos. 81F, 93F, 120F, 122F and 124F; (6) broaden the territorial descriptions to authorize county-wide or city-wide service in place of named points and plantsites as follows: (Sub 58F) Washington County, MS for Greenville, and Peoria County, IL for Peoria; (Sub 80F) Upshur County, WV for Buckhannon; (Sub 82F) Anderson County, SC for Belton; (Sub 84F) Cook County, IL for Chicago Heights; (Sub 86F) St. Bernard Parish, LA for Chalmette, and Baldwin County, AL for Bay Minette; (Sub 88F) Boone County, MO for Columbia; (Sub 92F) Colquitt County, GA for Moultrie; (Sub 93F) Franklin County, AL for Russellville; (Sub 94F) Camden County, NJ for Pennsauken; (Sub 95F) Middlesex County, NJ for Perth Amboy; (Sub 96F) Union County, NJ for Linden; (Sub 97F) Broome County, NY for Deposit; (Sub 98F) Hancock County, WV for Chester, and Luzerne County, PA for Pittston; (Sub 99F) Wood County, WV for Parkersburg and Washington; (Sub 101F) Bibb County, GA for Macon; (Sub 102F) York County, SC for Catawba, and Lafayette County, MS for Oxford; (Sub 104F) Jackson County, MS for Pascagoula (Sub 106F) Webster County, IA for Fort Dodge and Baraga County, MI for L'Anse; (Sub 107F), Madison County, IL for Alton; (Sub 113F) Cabell County, WV for Huntington; (Sub 114F) Henderson County, KY for Henderson; (Sub 121F) Harris County, TX for Baytown; and (Sub 123F) Coshocton County, OH for Coshocton.

MC 124774 (Sub-142)X, filed May 18, 1981. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 130F and 135 certificates to (1) replace one-way authority with radial authority in Sub-No. 130F between points in the US in and east of ND, SD, NE, KS, OK, and TX, and, Omaha, NE; and (2) broaden the commodity description in Sub-No. 135 from meat, meat products, meat by-products, and articles distributed by meat packing houses to "food and related products."

MC 129387 (Sub-123)X, filed May 7, 1981. Applicant: PAYNE

TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions in its Sub-Nos. 7, 22, 23, 26, 28, 29, 32, 33, 35, 39, 41, 42, 46, 47, 49F, 51F, 52F, 53F, 54F, 56F, 57F, 58F, 59F, 60F, 66F, 67F, 68F, 73, 77F, 78F, 81F, 82F, 84F, 85F, 92F, 93F, 94F, 96, 97F, 99F, 102F, 105F, 106F, 108F, 111F, 113F, 115F, 116F, 117F, and 118 certificates to (1) broaden the commodity description to "meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, "from that same description (with varying exceptions) in Sub-Nos. 7, 23, 28, 46, 51, 57, 82, 84, 92, 93, 99, and 102; to "meats", from meats, with or without other ingredients, in hermetically sealed containers, in Sub-No. 7; and to "(a) commodities dealt in by grocery and food business houses and equipment, materials, and supplies used in the conduct of such business and, (b) commodities dealt in by grocery and food business houses and equipment, materials and supplies used in the conduct of such business, and machinery", from: (a) foodstuffs, (except commodities in bulk) and, (b) meat, meat products, meat by-products, foodstuffs and canning plant materials, equipment and supplies, (except hides and commodities in bulk), in Sub-No. 7; to "food and related products and chemicals and related products", from canned foods (except frozen foods, meats, meat products, meat by-products, and dairy products), and pet foods, in Sub-No. 22; to "commodities dealt in by grocery and food business houses, and equipment, materials and supplies used in the conduct of such business, food and related products" from foods, food products, food ingredients, animal foods, animal food ingredients and meat by-products (except in bulk), in Sub-No. 26; to "such commodities as are dealt in by grocery and food business houses, and equipment, materials and supplies used in the conduct of such business," from canned goods, in Sub-Nos. 32, 42, and 60; from edible flour, dessert preparations, preserved and corn sugar (except frozen commodities and commodities in bulk), in Sub-No. 53; from confectionaries in Sub-No. 49; from frozen foodstuffs in Sub-Nos. 39; from foodstuffs in Sub-Nos. 100 and 107; from frozen food in Sub-No. 116; from foodstuffs, in vehicles equipped with mechanical refrigeration in Sub-No. 67; from foodstuffs (except commodities in bulk), in Sub-Nos. 81 and 85; from frozen foods (except meats and commodities in bulk), in Sub-No. 68;

from such commodities as are dealt in by grocery and food business houses (except commodities in bulk, in tank vehicles, in vehicles equipped with mechanical refrigeration), in Sub-No. 59; from fresh and frozen meat and meat products (except commodities in bulk), in Sub-No. 41; and from preserved foodstuffs in Sub-No. 47; to "such merchandise as is dealt in by chain grocery and food business houses, and equipment, materials and supplies used in the conduct of such business", from such merchandise as is dealt in by chain grocery and food business houses, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, in Sub-Nos. 94; to "such merchandise as is dealt in by retail and wholesale department and hardware stores", from such merchandise as is dealt in by retail and wholesale department and hardware stores, (except commodities in bulk), in Sub-No. 29; and from merchandise,

as is dealt in by retail and wholesale department and hardware stores (except foodstuffs and commodities in bulk), in Sub-No. 35; to "commodities dealt in by wholesale and retail hardware and department stores", from household appliances, televisions, radios and stereo equipment, in Sub-No. 52; to "metal products, machinery, equipment or supplies", from welders and parts for welders; in Sub-No. 54; to "rubber and plastic products, leather or leather products; commodities dealt in by department stores, and paper and paper products, lumber and wood products", from footwear, footwear accessories, department store findings and footwear display cabinets and cases, in Sub-No. 56; to "pulp, paper, and related products", from paper and paper products, in Sub-No. 61; to "rubber and plastic products, leather and leather products, commodities dealt in by department stores, and paper and paper products", from (a) footwear, (b) footwear parts and accessories, and (c) footwear display fixtures, in Sub-No. 58; to "pulp, paper and related products, rubber and plastic products, building materials, and commodities dealt in by department stores", from (a) paper and paper products, plastic articles and filters and (b) holders, dispensers and racks used in connection with the articles described in (a) above, in Sub-No. 66; to "such commodities as are dealt in by manufacturers of (a) sporting goods and (b) recreational equipment", from (a) such commodities as are dealt in by manufacturers of sporting goods and recreational equipment, (except commodities in bulk), (b) materials, equipment and supplies used in the

manufacture of commodities in (a) above (except commodities in bulk), in Sub-No. 77; to "metal products, machinery, equipment or supplies," from welders, parts, accessories and supplies, in Sub-No. 78; to "machinery, transportation equipment, chemicals and related products, rubber and plastic products, lumber and wood products, building materials, metal products, food and related products and materials, equipment, materials and supplies used in the manufacture of the above commodities", from (a) automobile accessories; (b) home canning kits; (c) cleaning compounds; (d) plastic, metal, wooden and rubber articles; and (e) materials, equipment and supplies used in the manufacture of commodities (a), (b), (c), and (d), to "chemicals and related products, commodities dealt in by grocery and food business houses, and equipment, materials and supplies used in the conduct of such business, petroleum and petroleum products and textile mill products," from cleaning, washing, buffing or polishing compound; textile softener, lubricating oil or grease, deodorants and disinfectants, (except commodities in bulk), in Sub-No. 97; to "machinery and metal products," from pumps, NOI, pump parts and accessories, in Sub-No. 113; to "chemicals, and related products, commodities dealt in by grocery and food business houses, petroleum and petroleum products, textile mill products", from cleaning, washing, buffing or polishing compounds, textile softeners, lubricating oil or grease, and deodorants and disinfectants, (except commodities in bulk), in Sub-No. 115; to "machinery and metal products", from welders and parts of welders, in Sub-No. 117; to "meat, meat products, meat by-products, dairy products, articles distributed by meat packinghouses and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766", by removing the exceptions of hides and commodities in bulk in Sub-Nos. 105 and 106; (2) replace the named points with counties and/or remove facilities limitations: Huron, SD, with Beadle County, SD, Fort Madison, IA, with Lee County, IA, Dakota City and West Point, NE, with Dakota and Cuming Counties, NE, Emporia, KS, with Lion County, KS, Luverne, MN, with Rock County, MN, Denison, Fort Dodge and Mason City, IA, with Crawford, Webster, and Cerro Gordo Counties, IA, Le Mars, IA, with Plymouth County, IA, Fargo, ND, with Cass County, ND, Sioux City, IA, with Woodbury County, IA,

Omaha, NE, with Douglas County, NE, Beloit, WI, with Rock County, WI, Wagner, SD, with Charles Mix County, SD, and Madison, NE, with Madison County, NE in Sub-No. 7; Oakland, CA, with Marin, San Francisco, and San Mateo Counties, CA, and Salem and Astoria, OR, with Clatsop and Marion Counties, OR, in Sub-No. 22; Schuyler, NE, with Colfax County, NE in Sub-No. 23; Scranton and Allentown, PA, with Lackawanna and Lehigh Counties, PA, in Sub-No. 26; Huron, SD, with Beadle County, SD, in Sub-No. 28; Crawfordsville, IN, with Montgomery County, IN, Kansas City, MO, Brookings, SD, with Brookings County, SD, and Springfield, OR, with Lane County, OR, in Sub-No. 29; Longmont, CO, with Boulder County, CO, and Brookings, SD, with Brookings County, SD, in Sub-No. 33; Salem, OR, with Madison County, OR, in Sub-No. 33; Minneapolis, MN, Brookings, SD, with Brookings County, and Springfield, OR, with Lane County, OR, in Sub-No. 35; Traverse City, MI, with Traverse County, MI in Sub-No. 39; Minneapolis, MN, in Sub-No. 41; Belgium and Random Lake, WI, with Ozaukee and Sheboygan Counties, WI, in Sub-No. 42; Huron, SD, with Beadle County, SD, Worthington, MN, with Nobles County, MN, St. Joseph, MO, with Buchanan County, MO, and Omaha and Madison, NE, with Douglas and Madison Counties, NE, in Sub-No. 46; Muscatine and Iowa City, IA, with Johnson and Muscatine, Counties, IA, in Sub-No. 47; St. Louis, MO, in Sub-Nos. 49 and 52

Eau Claire with Eau Claire County, WI, in Sub-No. 51; Melrose Park, IL, with Chicago, IL, in Sub-No. 53; Appleton, WI, with Outagamie County, WI, in Sub-No. 54; Huntington, IN, with Huntington County, IN, in Sub-No. 56; National Stockyards, IL, with Chicago, IL, in Sub-No. 57; Morrow, GA, with Clayton County, GA, in Sub-No. 58; Pocatello, ID, with Bannock, ID, in Sub-No. 59; Rialto, CA, with San Bernardino County, CA, in Sub-No. 60; Rhinelander, WI, with Oneida County, WI, Milwaukee, WI, in Sub-Nos. 66 and 67; Anaheim and La Habra, CA, with Los Angeles, and Orange Counties, CA, in Sub-No. 67; Omaha, NE, with Douglas County, NE in Sub-No. 68; Milwaukee, WI, in Sub-No. 73; Milwaukee, WI, and Seattle, WA, with King County, WA, in Sub-No. 77; Troy, OH, with Miami County, OH, in Sub-No. 78; Menomonee, Vesper, Cameron, Eau Claire and Wisconsin Rapids, WI, with Barron, Dunn, Wood, and Eau Claire County, WI, in Sub-No. 81; Huron, SD, with Beadle County, SD, in Sub-No. 82; Dodge City, KS, with Ford County, KS, in Sub-No. 84; Perry and

Des Moines, IA, with Polk and Dallas Counties, IA, and Madison and Jefferson, WI, with Dale and Jefferson Counties in Sub-No. 92; Sioux Falls, SD, with Minnehaha County, SD, Estherville and Sioux City, IA, with Emmet and Woodbury Counties, IA, and Worthington, MN, with Nobles County, MN, in Sub-No. 93; Minneapolis, MN, and Savage, MN, with Scott County, MN, in Sub-No. 96; Joliet, IL, with Will County, IL, in Sub-No. 97; Madison, NE, with Madison County, NE, and Worthington, MN, with Nobles County, MN, in Sub-No. 99; Carroll, Denison, Des Moines, Fort Dodge, Iowa Falls and Sioux City, IA, with Carroll, Crawford, Polk, Webster, Johnson, and Woodbury Counties, IA, and Crete, Lincoln, and Omaha, NE, with Saline, Lancaster, and Douglas Counties, NE in Sub-No. 102; Britt and Mason City, IA, with Hancock and Cerro Gordo Counties, IA, Fairmont, MN, with Martin County, MN, Eau Claire, Monroe, and Portage, WI, with Eau Claire, Green, and Columbia Counties, WI, and Kansas City, MO, in Sub-No. 105; South San Francisco, CA, with San Francisco, CA, Portland, OR, and Oakland, CA, in Sub-No. 106; Rockford, IL, with Winnebago County, IL, in Sub-No. 108; Fresno, CA, with Fresno County, CA, in Sub-No. 113; South Holland, IL, with Chicago, IL, in Sub-No. 115; Appleton, WI, with Outagamie County, WI, in Sub-No. 117; Moses Lake and Othello, WA, with Grant and Adams County, WA, Nampa, ID, with Canyon County, ID, Elwood, KS, with Doniphan County, KS, in Sub-No. 118; (3) remove the exception of AK, HI, and the origin State in Sub-Nos. 84, 85, 105, and 106; (4) remove originating at or destined to restrictions in Sub-Nos. 7, 22, 23, 26, 39, 41, 42, 46, 49F, 51F, 53F, 54F, 57F, 59F, 60F, 61F, 66F, 78F, 81F, 82F, 84F, 92F, 93F, 96, 97F, 99F, 105F, and 106F, and (5) replace one-way with radial authority between the above territories and various combinations of States.

MC 136635 (Sub-59)X, filed May 13, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 W. Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its MC-138479 and Sub-No. 1 permit acquired in MC-F-13672 to (1) broaden the commodity description from vinyl skirting, vinyl siding, asphalt siding and steel siding and materials, and supplies (except in bulk) to "building materials, and materials, equipment and supplies used in the manufacture and distribution of building materials" in each permit; and (2) broaden the territorial description to

between points in the U.S. under continuing contract(s) with a named shipper, in each permit.

MC 138975 (Sub-1)X, filed May 13, 1981. Applicant: ROBERT H. BOGART d.b.a. BOGART TRUCKING, 79 Queen Avenue, Pennsville, NJ 08070. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180. Applicant seeks to remove restrictions in its lead permit (1) to broaden the commodity description to "rubber and plastic products, chemicals and related products, and materials, supplies and equipment used in the manufacture, packaging and distribution thereof," from plastic, materials, supplies and equipment, used in the manufacture, packaging and distribution thereof; (2) to remove the except in bulk and tank vehicles restrictions and (3) to authorize service between points in the U.S. under contract(s) with a named shipper.

MC 141452 (Sub-6)X, filed May 18, 1981. Applicant: INDUSTRIAL MOLASSES COMPANY, INC., 6600 France Ave. South, Minneapolis, MN 55435. Representative: James C. Hardman, 33 N. La Salle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 4F, and 5F permits to (1) broaden its commodity descriptions: in Sub-Nos. 2F and 4F, to "chemicals and related products", from liquid fertilizers; and in Sub-No. 5F, to "food and related products", from liquid feed and liquid feed ingredients; and (2) broaden its territorial authority to between points in the U.S., under continuing contract(s) with a named shipper, in all of the above sub-numbers.

MC 142157 (Sub-4)X, filed May 15, 1981. Applicant: LoBIANCO TRUCKING COMPANY, INC., R.D. 22 (Crone Road), York, PA 17402. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-Nos 1, 2F and 3F certificates to (A) broaden the commodity descriptions in Sub-Nos 2F and 3F from heating and cooling equipment which by reason of size or weight require the use of special equipment, in part (1) of Sub-No. 2, and from trailers and trailer parts in Sub-No. 3 to "machinery and metal products" and "transportation equipment", respectively, and (B) expand facilities or cities to county-wide authority: (a) York, PA, to York County, PA, in Sub-Nos. 1 and 2; and (b) Brady, TX, to McCulloch County, TX, in Sub-No. 3F; (C) remove restrictions against service to the origin state of PA and AK and HI, and that limiting transportation to traffic originating at or destined to named facilities in Sub-No. 2F, and (D) expand

one-way to radial authority in Sub-No. 2 between York County, PA, and, points in the U.S. (with exceptions) and in Sub-No. 3 between McCulloch County, TX, and, points in the East.

MC 142559 (Sub-169)X, filed May 13, 1981. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its MC-142559 Sub-Nos. 158F, 159F, 160F, and 163F certificates to (1) broaden its commodity descriptions (a) from general commodities (except classes A and B explosives and household goods as defined by the Commission), to "general commodities (except A and B explosives)", in Sub-No. 158F; (2) replace city-wide with county-wide authority as follows: Montgomery County, OH, for West Carrollton, OH, Sub-No. 160F; (3) remove the restriction limiting transportation to traffic moving on bills of lading of freight forwarders.

MC 143775 (Sub-164)X, filed May 13, 1981. Applicant: PAUL YATES, INC., POB 1059, Glendale, AZ 85301. Representative: O. Paul Yates (same address as above). Applicant seeks to remove restrictions in its Sub-Nos. 72F, 82F, 97F, 98F, 100F, 101F, 102F, 103F, 106F, 113F, 123F, 146F, 154F and 159F certificates to (1) broaden the commodity descriptions from general commodities (with the usual exceptions), to "general commodities (except classes A and B explosives)"; (2) remove vehicle restrictions in Sub-Nos. 101F and 113F; (3) expand one-way to radial authorities between points throughout the U.S., in Sub-Nos. 72F (part 1), 82F (part a), 97F, 98F, 100F, 101F, 102F, 103F, 123F (part 2), 146F, and 159F; (4) remove the restriction which limits service to the transportation of shipments moving on bills of lading of freight forwarders, in Sub-No. 72F; (5) remove plantsite restrictions in Sub-Nos. 97F, 98F, 101F, 103F (at Philadelphia, PA), 106F, and 113F; (6) replace city-wide authority with county-wide authority as follows: (a) Charlotte and Greensboro with Mecklenburg and Guilford Counties, NC, Greenville with Greenville County, SC, and Phoenix with Maricopa County, AZ, in Sub-No. 102F; (b) Berlin with Hartford County, CT, in Sub-No. 106F; (c) Brea with Orange County, CA, Andover with Butler County, KS, Buffalo with Erie County, NY, Sand Springs with Tulsa County, OK, Eighty-Four and Palmerton with Washington and Carbon Counties, PA, Spartanburg with Spartanburg County, SC, and Houston with Harris

County, TX, in Sub-No. 154F; (7) remove the originating at restrictions in Sub-Nos. 102F (parts 1 and 2) and 154F, and the destined to restrictions in Sub-No. 102F (part 2); and (8) remove the AK and HI restrictions in Sub-Nos. 97F, 103F, 113F, and 154F.

MC 148655 (Sub-15)X, filed May 14, 1981. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, Cleveland, OH 44101. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions from its lead certificate and Sub-Nos. 1F and 4F to: (1) broaden the commodity descriptions: (a) from glass products, metal products, plastic products, clay and clay products, feldspar, and talc, bottle coating systems, parts and accessories for these commodities, and materials, equipment and supplies used in their manufacture and distribution to "clay, concrete, glass or stone products, metal products, rubber and plastic products, ores and minerals, and machinery" in the lead certificate; (b) from glass products, metal products, plastic products, clay and clay products, feldspar, and talc, molds and machinery used in the manufacture of glass products, bottle coating systems, parts and accessories and materials, equipment and supplies used in their manufacture and distribution to "clay, concrete, glass or stone products, metal products, rubber and plastic products, ores and minerals, and machinery" in Sub-No. 1F; and (c) from glass, metal, plastic, feldspar, talc, and clay articles and products, gift items, molds and machinery used in producing glass, plastic, metal articles, bottle coating systems, and parts and accessories, and material, equipment and supplies for their production, sale and distribution to "clay, concrete, glass or stone products, metal products, rubber and plastic products, ores and minerals, gift items, and machinery," in Sub-No. 4F; (2) replace authority to serve shippers facilities at named points with county descriptions: (a) St. Francois County, MO (Flat River) in the lead certificate; (b) Marion County, IL (Centralia) in Sub-No. 1F; and (c) Washington County, KY (Springfield) in Sub-No. 4F; (3) eliminate the restrictions against service to AK and HI in the lead certificate and Sub-Nos. 1F and 4F; and (4) eliminate except in bulk restrictions in the lead certificate and Sub-No. 1.

MC 152245 (Sub-3)X, filed May 11, 1981. Applicant: ARMOUR FOOD EXPRESS COMPANY, P.O. Box 2785, Amarillo, TX 79105. Representative: G. H. Stensrud, Greyhound Tower, Phoenix, AZ 85077. Applicant seeks to

remove restrictions in its lead permit No. MC-140364 to broaden the territorial description (as it applies to parts, equipment and materials used in the manufacture of automotive buses) to "between points in the U.S.," under continuing contract(s) with a named shipper.

[FR Doc. 81-16296 Filed 5-29-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 13]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Replications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 110988 (Sub-429F) [Republication], filed June 16, 1980, published in the Federal Register issue of August 25, 1980, and February 20, 1981, and republished this issue. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Neil A. Dujardin, P.O. Box 2298, Green Bay, WI 54306. A decision of the Commission, Review Board 4, decided December 3, 1980, and served December 18, 1980, requires republication upon filing, of verified statement by applicant. To operate in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, transporting chemicals (1) from points in Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and West Virginia, to Points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oregon, Texas,

Utah, and Wisconsin, and (2) from points in Illinois and Wisconsin to points in Connecticut, Maryland, and Massachusetts.

Note.—This republication vacates the publication of February 20, 1981.

MC 113908 (Sub-507F) (Republication), filed June 2, 1980, published in the Federal Register issue of September 11, 1980, and November 5, 1980, and republished this issue. Applicant: ERICKSON TRANSPORT CORP., 2255 North Packer Road, P.O. Box 10068 G.S., Springfield, MO 65804. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. An Order of the Commission, Review Board 3, decided March 30, 1981, and served April 28, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, transporting liquid chemicals, in bulk, from points in Illinois to points in Arkansas, Arizona, California, Colorado, Missouri, Montana, New Mexico, Nevada, Oklahoma, Oregon, Texas, and Utah, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Kansas Docket No. 99579 Route No. 10127, filed May 8, 1981. Applicant: WESTERN KANSAS EXPRESS, INC., P.O. Box 124, Sedgwick, KS 67201. Representative: John E. Jandera, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Certificate of Public

Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General Commodities* (except articles of unusual value, commodities requiring special equipment, household goods as defined by the Commission, commodities in bulk, and classes A and B explosives). Serving points in Stafford County, Kansas as off-route point to its presently authorized service. Intrastate, interstate and foreign commerce authority sought. Hearing: June 23, 1981, 10:00 A.M., State Office Bldg., 4th Floor, Topeka, KS. Request for procedural information should be addressed to State of Kansas, State Corporation Commission, Fourth Floor, State Office Bldg., Topeka KS 66612, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-9879, filed April 17, 1981. Applicant: CINCH PRODUCTIONS INC., 295 Adams Blvd., Farmingdale, NY 11735. Representative: Nils Richard Johnson, Jr., 132 King Street, Hicksville, NY. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General Commodities*—Not to exceed 100 pounds, Between Nassau and Suffolk Counties and New York City. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington, Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission,
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-16205 Filed 5-20-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPI-158

Decided: May 21, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler and Fortier.

MC 15641 (Sub-6), filed May 14, 1981. Applicant: DeMARIO MOVING & STORAGE, INC., 1414 Raff Rd., S.W., Canton, OH 44710. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212 (614) 481-8821. Transporting *household goods*, between points in Carroll, Columbiana, Cuyahoga, Geauga, Lake, Loraine, Mahoning, Medina, Portage, Stark, Summit, Tuscarawas, and Wayne Counties, OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 61440 (Sub-210), filed May 14, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 Northwest 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157 (405) 840-7579. Transporting *general commodities* (except classes A and B explosives), serving Saint Mary's and Evangeline Parishes, LA, as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 138861 (Sub-30), filed May 13, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M St., N.W., Suite 501, Washington, DC 20036 (201) 296-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Refinemet International, of Woonsocket, RI.

MC 145950 (Sub-95), filed May 5, 1981. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Drive, Waco, TX 76706. Representative: Donald C. Horne (same address as applicant) (817) 752-1613. Transporting (1) *chemicals and related products, and food and related products*, between points in Dallas County, TX, on the one hand, and, on the other, Los Angeles, CA, and points in Fulton County, GA, and (2) *machinery*, between points in CA, on the one hand, and, on the other, points in TX, LA, and AL.

MC 154051 (Sub-2), filed May 4, 1981. Applicant: FRANKLIN PUMPING SERVICE, INC., Industrial Road, P.O. Box 617, Wrentham, MA 02093. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181 (617) 235-5571. Transporting *toxic and hazardous waste materials*, between points in RI, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

Note.—The certificate to be issued in this proceeding shall be limited in point of time to

a period expiring 5 years from the date of issuance.

Volume No. OPY-5-70

Decided: May 28, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 81839 (Sub-1), filed April 23, 1981. Applicant: SUDDATH MOVERS, INC., 6900 Interbay Blvd., Tampa, FL 33681. Representative: David Earl Tinker, 1000 Connecticut Ave., NW, Suite 1112, Washington, DC 20036 (202) 887-5868. Transporting *household goods*, between points in GA, LA, AL, FL, SC, NC, VA, MD, PA, NY, MA, RI, MS, NH, NJ, CT, DE, TN, VT, WV, MO, KY, OH, IN, IL, MI, WI, MN, OK, TX, AR, and DC.

MC 123279 (Sub-7), filed May 13, 1981. Applicant: CHARTER EXPRESS, INC., 8418 Tallmadge Rd. No. 6, Ravenna, OH 44266. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210 (703) 525-4050. Transporting *general commodities* (except classes A and B explosives), between points in Summit and Portage Counties, OH, on the one hand, and, on the other, points in KY, WV, PA, NY, NJ, MI, IN, IL, and WI.

MC 129729 (Sub-7), filed May 15, 1981. Applicant: FRANCIS J. BEAROFF, INC., P.O. Box 195, King of Prussia, PA 19406. Representative: Francis J. Bearoff (same address as applicant) (215) 272-3771. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WV, and DC. Condition: Any certificate issued in this proceeding is conditioned upon prior or coincidental cancellation of Certificate No. MC 129729 and all subs thereunder.

MC 134709 (Sub-1), filed May 11, 1981. Applicant: ROWLAND CONSTRUCTION CO., INC., 801 West Main St. Wilburton, OK 74578. Representative: C. L. Phillips Room 248, Classen Terrace Bldg., 1411 N. Classen Oklahoma City, OK 73106 (405) 528-3884. Transporting *Mercer Commodities*, between points in TX, on the one hand, and, on the other, points in OK.

Note.—Applicant intends to tack this authority with its presently held operations.

MC 138069 (Sub-16), filed May 14, 1981. Applicant: LUCIUS, INC., 2512 South 163 St., Omaha, NE 68130. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114 (402) 397-7033. Transporting *food and related products*, between points in Finney County, KS, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, CO, and NM.

MC 144678 (Sub-40), filed May 14, 1981. Applicant: AMERICAN FREIGHT SYSTEM, INC., 9393 West 110th St., Overland Park, KS 66210. Representative: Harold H. Clokey (same address as applicant) (913) 648-5540. Over regular routes, transporting *general commodities* (except classes A and B explosives), serving points in KS, as off-route points in connection with applicant's otherwise authorized regular-route operations.

Note.—Applicant intends to tack with existing authority.

MC 145349 (Sub-2), filed May 15, 1981. Applicant: PROFESSIONAL DRIVER SERVICES, INC., 1631 Lebanon Rd., Nashville, TN 37210. Representative: Frederic J. Cowan, Jr., 1600 Citizens Plaza, Louisville, KY 40202 (502) 589-5400. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Mack Trucks, Inc., of Richmond, VA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 6370.

MC 145359 (Sub-38), filed May 14, 1981. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *metal products*, between Houston, TX, and points in Dallas, Bowie, and Morris Counties, TX, and Miller County, AR.

MC 147299 (Sub-4), filed May 12, 1981. Applicant: REDWAY CARRIERS, INC., P.O. Box 104, Waukegan, IL 60085. Representative: Paul J. Maton, 10 S. LaSalle St., Suite 1620, Chicago, IL 60603, (312) 332-0905. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with S. C. Johnson & Son, Inc. of Racine, WI.

MC 148569 (Sub-7), filed May 12, 1981. Applicant: JAMES BEUCE LEE AND STANLEY LEE, d.b.a. LEE CONTRACT CARRIERS, P.O. Box 48, Pontiac, IL 61764. Representative: Edward F. Stanula, 900 East 162nd St., South Holland, IL 60473, (312) 596-8575. Transporting *building materials*, between Minneapolis, MN, and points in Cook County, IL; St. Louis County, MO; and Franklin County, IN, on the one

hand, and, on the other, points in IL, IN, IA, MN, MI, MO, and WI.

MC 149058 (Sub-1), filed May 13, 1981. Applicant: THE INLAND SEA, INC., 2021 West Governors Circle, Houston, TX 77092. Representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, DC 20006, (202) 833-8884. Transporting *household goods*, between points in TX, on the one hand, and, on the other, points in AL, AZ, CO, KS, KY, ND, NM, OK, and TX.

MC 152729, filed May 13, 1981. Applicant: CATARACT INDUSTRIAL WAREHOUSING, INC., 4626 Royal Avenue, Niagara Falls, NY 14303. Representative: Michael A. Wargula, 2550 Main Place Tower, Buffalo, NY 14202, (716) 845-6066. Transporting *hazardous chemical wastes and toxic materials*, between points in the U.S., under continuing contract(s) with Frontier Chemical Waste Process, Inc., of Niagara Falls, NY.

MC 153328 (Sub-6), filed May 11, 1981. Applicant: RED K TRANSFER, INC., 2545 Peach Tree St., Cape Girardeau, MO 63701. Representative: Guy H. Boles, 321 North Spring Avenue, Cape Girardeau, MO 63701, (314) 335-6636. Transporting *pulp, paper and related products*, between points in Scott County, MO., Allen County, IN, Los Angeles County, CA, Baltimore County, MD, Duval County, FL, Jefferson County, KY, Lake County, IL, Orleans Parish, LA, Hudson County, NJ, Desha County, AR, and Nez Perce County, ID, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5 Room 6370.

MC 154458, filed May 11, 1981. Applicant: QUALITY DELIVERY, INC., 4900 Deramus, Kansas City, MO 64120. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 606, Kansas City, MO 64105, (816) 221-1464. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contact(s) with Amway Corporation, of Des Moines, IA.

MC 155898, filed May 11, 1981. Applicant: FAUST TRAVEL SERVICE, INC., 3023 South 72d St., Philadelphia, PA 19153. Representative: David F. Itkoff, 523 Swede St., Norristown, PA

19401, (215) 275-7990. To engage in operations in interstate or foreign commerce, as a *broker* at Philadelphia, PA, in arranging transportation of *passengers and their baggage*, in special or charter operations, beginning at points in PA and extending to points in the U.S.

MC 155908, filed May 8, 1981. Applicant: U.S. TRANSPORT, INC., C/O P.O. Box 5311, 1477 Ripley St., Lake Station, IN 46405. Representative: Richard A Kerwin, 180 North LaSalle St., Chicago, IL 60601, (312) 332-5106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with L. B. Foster and Company, of Des Plaines, IL, its subsidiaries and divisions. Condition: The person or persons who appear to be engaged in control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application for common control to Team 5 Room 6370.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-16024 Filed 5-29-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the applications later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement is rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-159

Decided: May 21, 1981.

By the Commission Review Board No. 1, members Parker, Chandler, and Fortier.

MC 56270 (Sub-55), filed May 14, 1981. Applicant: LEICHT TRANSFER & STORAGE CO., 1401 State Street, P.O. Box 2385, Green Bay, WI 54306. Representative: John R. Simms, Jr., 915

Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004, (202) 737-1030. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 148890 (Sub-4), filed May 14, 1981. Applicant: SENTRY ARMORED COURIER CORP., 3548 Boston Road, Bronx, NY 10469. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239-4610. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY-5-71

Decided May 26, 1981.

By The Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 99999 (Sub-1), filed May 13, 1981. Applicant: YELLOWBIRD MOTOR LINES, INC., P.O. Box D-720, 85 Conway St., New Bedford, MA 02742. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742-3530. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 152199 (Sub-2), filed May 13, 1981. Applicant: VELDE EXPRESS, INC., 534 N. Iris Drive, Irving, TX 75061. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103, (817) 332-4718. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) between points in the U.S., and (2) *shipments weighing 100 pounds or less* in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 155378, filed April 17, 1981, previously noticed in the *Federal Register* issue (republishing) of May 8, 1981. Applicant: MOVING SYSTEMS, INC., 21 Pleasant St., Newburyport, MA 01950. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, D.C. 20001, (202) 628-9243. To engage in operations as a *broker*, arranging transportation of *general commodities*, between points in the U.S.

Note.—Purpose of republication is to modify the authority as above.

MC 155869, filed May 12, 1981. Applicant: UNITED STATES SERVICE CORPORATION, 170 Main St., Holyoke, MA 01040. Representative: James M. Burns, 1383 Main Street, Suite 413,

Springfield, MA 01103, (413) 781-8205. Transporting for or on behalf of the United States Government, *general commodities*, (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5 Room 6370.

MC 155879, filed May 11, 1981. Applicant: KEYSTONE EXPRESS, INC., 100 Jamison Ave., South Greensburg, PA 15601. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471-1800. (1) transporting, for or on the behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. and (2) transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 155918, filed May 11, 1981. Applicant: RICHARD L. SMITH, 1131 Saratoga, St. Charles, MO 63301. Representative: Richard L. Smith (same address as applicant) (314) 441-1835. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155919, filed May 13, 1981. Applicant: DONALD HASTINGS, 13581 93rd Ave., North Maple Grove, MN 55369. Representative: Donald Hastings (same address as applicant) (612) 425-5524. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155938, filed May 13, 1981. Applicant: TRI-L TRANSPORT, INC., P.O. Box 558, Richmond, VA 23204. Representative: John R. Simms, Jr., 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, D.C. 20004, 202-737-1030. Transporting for or on behalf of the

United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155939, filed May 13, 1981. Applicant: T. D. H. INCORPORATED, 46 Hammond St., Newport, RI 02840. Representative: G. M. Sousa (same address as applicant) 401-847-0470. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-16203 Filed 5-29-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP1-157]

Motor Carriers; Permanent Authority Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the *Federal Register*.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this *Federal Register* notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the *Federal Register* of July 3, 1980, at 45 FR 45539.

MC 74321 (Sub-160), (republication), filed January 23, 1981, published in the *Federal Register* of February 18, 1981, and republished this issue. Applicant: B. F. WALKER, INC., 1555 Tremont Place, P.O. Box 17-B, Denver, CO 80217. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. A decision by the Commission, Review Board 2, decided April 28, 1981, served May 7, 1981, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes transporting, *such commodities* as are dealt in or used by manufacturers and distributors of cast iron products, between Council Bluffs, IA, Florence, NJ, Lynchburg, VA, Detroit, MI, Chicago, IL, and New York, NY, on the one hand, and, on the other, points in the United States. Applicant is fit, willing, and able properly to perform the granted service and to conform to

statutory and administrative requirements. The purpose of this republication is to change the commodity from *metal products* to *such commodities*.

By the Commission,
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-16206 Filed 5-29-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the *Federal Register* publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the *Federal Register*. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Notice No. F-124

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 25334 (Sub-1-5TA), filed May 12, 1981. Applicant: COOPER-JARRETT,

INC., Hanover Plaza, Morristown, NJ 07960. Representative: William J. Hanlon, Esq. (same as applicant). *Waste materials (hazardous and non-hazardous)* between points in CT, DE, IL, IN, IA, KS, KY, MD, MA, MI, MO, NE, NH, NJ, NY, OH, PA, RI, TN, WV, WI, on the one hand, and, on the other, AL, AR, GA and SC. Supporting shipper(s): There are 6 statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 141932 (Sub-1-19TA), filed May 13, 1981. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner, 176 King Street, Hanover, MA 02339. *Pet Foods, Animal Feed, Materials, Equipment and Supplies used in the manufacture and distribution of Pet Foods and Animal Feeds* between Portland, IN on the one hand, and on the other, points in the U.S. restricted to traffic originating at or destined to the facilities of or used by International Multifoods Corporation, 1200 Multifoods Bldg., Minneapolis, MN 55402.

MC 155552 (Sub-1-1TA), filed May 13, 1981. Applicant: RAVENA TRANSPORTATION CORP., 10 Van Buren Avenue, Ravena, NY 12143. Representative: D. A. Holtz, Esq., 316 South 16th Street, Philadelphia, PA 19102. *Contract carrier: irregular routes: Motor vehicles in truckaway service* between Baltimore, MD and points in PA, NJ and DE under continuing contract(s) with Penn Jersey Subaru, Inc., of Moorestown, NJ, supporting shipper: Penn Jersey Subaru, Inc., Glen Avenue and Forster Road, P.O. Box P, Moorestown, NJ 08057.

MC 99273 (Sub-1-2TA), filed May 13, 1981. Applicant: KINDLE TRUCKING CO., INC., 148 Walnut Street, Agawam, MA 01001. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304 Springfield, MA 01103. *Contract carrier: irregular routes: general commodities (except classes A & B explosives and hazardous wastes)* between points in Hampden, Hampshire, Franklin and Berkshire Counties, MA, and Hartford County, CT, on the one hand, and, on the other, points in NC, SC, GA, and FL, under continuing contract(s) with Kindle Consolidation, Inc. Supporting shipper: Kindle Consolidation, Inc., 449 Silver Street, Agawam, MA 01001.

MC 114323 (Sub-1-1TA), filed May 13, 1981. Applicant: PAUL MARCKESANO AND SONS CO., INC., 36 Ferris Street, Brooklyn, NY 11231. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048.

White cement, from Jersey City, NJ to points in PA and MD. Supporting shipper(s): Federal White Cement, Inc., P.O. Box 548, Woodstock, Ontario, Canada N4S 7Y5.

MC 152621 (Sub-1-3TA), filed May 12, 1981. Applicant: RUSH TRANSPORT, INC., 163 Main Street, Route 131, Sturbridge, MA 01566. Representative: James M. Burns, 1383 Main Street, Springfield, MA 01103. *General commodities, usual exceptions*, between points in CT, MA, RI and NH, on the one hand, and, on the other, points in the contiguous 48 states. Supporting shipper(s): There are 25 support statements attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 146447 (Sub-1-4TA), filed May 12, 1981. Applicant: TANBAC, INC., 847 Glenbrook Road, Orange, CT 06477. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Contract carrier: irregular routes: General commodities (except classes A & B explosives and hazardous wastes)* between points in Plymouth County, MA, on the one hand, and, on the other, points in TX, CA, FL, WI, MO, IL, MI, MN, and IN under continuing contract(s) with New England Shipping Association Co-operative and its members, Brockton, MA. Supporting shipper: New England Shipping Association Co-operative, 1029 Pearl Street, Brockton, MA 02401.

MC 155713 (Sub-1-1TA), filed May 12, 1981. Applicant: GRANITE STATE TRANSPORT COMPANY, INC., 141 Gold Street, Manchester, NH 03103. Representative: Yvon Boutin (same as applicant). *Contract carrier: irregular routes: Various telephone industry material and supplies* between Southboro, MA and Watertown, MA on the one hand, and on the other, points in ME, NH and VT under continuing contract(s) with Western Electric Co., Inc., N. Andover, MA. Supporting shipper: Western Electric Company, Inc., 1600 Osgood St., N. Andover, MA 01845.

MC 155953 (Sub-1-1TA), filed May 14, 1981. Applicant: WADLEIGH'S, INC., d.b.a. KENOCO, 21 Water Street, Hallowell, ME 04347. Representative: Donn G. Gifford (same as applicant). *Contract carrier: irregular routes: Crushed glass* from Topsham, ME to points in NJ under continuing contract(s) with Maine Recycling, Inc., of Topsham, ME. Supporting shipper: Maine Recycling, Inc., Lewiston Road, Topsham, ME.

MC 45398 (Sub-1-1TA), filed May 14, 1981. Applicant: F. J. BERNERD & SON, INC. MOVING & STORAGE, 2400 Barnum Ave., Stratford, CT 06497.

Representative: Mark C. Ellison, Esq., 300 Interstate North Parkway, Suite 329, Atlanta, GA 30339. *Household goods* between points in CT, DE, DC, MA, ME, MD, NH, NJ, NY, OH, PA, RI, VT, VA, and WV. Supporting shipper(s): Bunting Sterisystems, 46 Beatrice St., Bridgeport, CT, Vitramon, Inc., Route 25, Monroe, CT 06468, Electrostatic Equipment Corp., 80 Hamilton St., New Haven, CT 06511, National Carloading Corp., 300 Interstate North Parkway, Atlanta, GA 30339.

MC 155956 (Sub-1-1TA), filed May 14, 1981. Applicant: VARDINE PARATRANSIT, INC., 1743 State Street, Schenectady, NY 12304. Representative: Vincent Vardine (same as applicant). *Contract carrier: irregular routes: Consolidated Rail Corporation Railroad (Conrail) train and engine crews and equipment* between Selkirk, NY, on the one hand, and, on the other, facilities of Consolidated Rail Corporation in MA and NY, under continuing contract(s) with Consolidated Rail Corp. of Philadelphia, PA. Supporting shipper: Consolidated Rail Corp., Room 301, 1528 Walnut Street, Philadelphia, PA 19102.

MC 138861 (Sub-1-21TA), filed May 15, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street, NW., Suite 501, Washington, DC 20036. *Contract carrier: irregular routes: Scrap metals*, from Atlanta, GA, to Mapleville, RI, under continuing contract(s) with Refinemet International of Woonsocket, RI. Supporting shipper: Refinemet International, 162 Main St., Woonsocket, RI 02895.

MC 129563 (Sub-1-1TA), filed May 15, 1981. Applicant: ONONDAGA BEVERAGE TRANSPORT, INC., 345 Spencer St., Syracuse, NY 13204. Representative: Freeda Harvey (same as applicant). *Contract carrier: irregular routes: Malt beverages*, from Williamsburg, VA to Elmira Hts, NY under continuing contract(s) with Seneca Beverage Corp. of Elmira Hts, NY. Supporting shipper: Seneca Beverage Corp., 3496 Oakwood Ave., Elmira Hts., NY 14902.

MC 145093 (Sub-1-1TA), filed May 15, 1981. Applicant: J. C. TRANSPORT CORPORATION, 53 East Broadway, North Salem, NH 03075. Representative: Samuel L. Watts, Traffic and Distribution Services, Inc., 54 Middlesex Turpike, Burlington, MA 01803. *Contract carrier: irregular routes: Computers, computer parts, products and related equipment and supplies normally used in the computer and data processing industry and materials and equipment used for computer*

advertising and at computer trade shows between points in MA on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Data Terminal Systems, Inc., Maynard, MA. Supporting shipper: Data Terminal Systems, Inc., 124 Acton Street, Maynard, MA 01754.

MC 155874 (Sub-1-1TA), filed May 15, 1981. Applicant: MUSCILLO TRANSPORT LIMITED, 4078 Highway 7W, Woodbridge, Ontario, CD L4L 1A6. Representative: William J. Hirsch P. C., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Contract carrier*: irregular routes: *Finished steel and scrap metal*, between points on the International Boundary line between the U.S. and CD, located in NY and MI, on the one hand, and, on the other, all points in NY, OH, and PA, under continuing contract(s) with Lake Ontario Steel Co. Limited, Toronto, CD. Supporting shipper: Lake Ontario Steel Company Limited, 176 Cherry Street, Toronto, CD.

MC 138861 (Sub-1-22TA), filed May 18, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. *Contract carrier*: irregular routes: *Iron and steel articles*, between East Providence, RI, on the one hand, and, on the other, Pittsburgh, PA, Detroit, MI, Cleveland, OH, Canton, OH, Chicago, IL, and Petersburg, VA, under continuing contract(s) with Washburn Wire Company, of East Providence, RI. Supporting shipper: Washburn Wire Company, Bourne Avenue, East Providence, RI 02916.

MC 155870 (Sub-1-1TA), filed May 18, 1981. Applicant: L & S EQUIPMENT, INC., Cranberry Meadow Road, Berwick, ME 03901. Representative: John C. Lightbody, Esquire, Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Contract carrier*: Irregular routes; *construction equipment* between points in Eliot, ME; Palmdale, CA; Silver Springs, Parrish, FL; Lebanon, KY; Sulphur, LA; New Bedford, Somerset, MA; Springdale, UT; Cheyenne, WY; Columbus, College Station, TX; Hemingway, SC; Buckeye, AZ; Aurora, CO; Concord, NH; and Hugo, OK under continuing contract(s) with Seaward Construction Co., Inc., Eliot, ME. Supporting shipper: Seaward Construction Co., Inc., Rt. 236, Eliot, ME.

MC 145108 (Sub-1-3TA), filed May 18, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren, 5600 First Avenue, Brooklyn, NY 11220. *Contract carrier*, irregular route: *potato chips and*

equipment, materials and supplies used in the manufacture, sale and distribution of such commodities between Carson, CA, on the one hand, and points in the U.S. (except AK and HI) on the other under continuing contract(s) with Wiki Wiki Corporation of Carson, CA. Supporting shipper: Wiki Wiki Corp., 16926 Keegan Ave., Carson, CA.

MC 45721 (Sub-1-2TA) (republication), filed April 28, 1981. Applicant: WHITE BUS COMPANY, INC., 907 South Orange Avenue, East Orange, NJ 07018. Representative: Larsh B. Mewhinney, Esq., Moore, Berson, Lifflander & Mewhinney, 555 Maidson Avenue, New York, NY 10022. *Passengers and their baggage in special operations* between points in New York, NY, Westchester, Nassau and Suffolk Counties, NY, and Atlantic City, NJ. Supporting shipper: Alexander's Travel Service, 31 W 34th Street, New York, NY 10001.

MC 111729 (Sub-1-12TA) (republication), filed April 16, 1981. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Elizabeth L. Hensch (same address as Applicant). *Machinery and Products related to the operation and maintenance thereof*; *Metal products*; *Paper and Related Products*, in packages not exceeding 70 lbs. each. 1. Between Boston, MA, on the one hand, and, on the other, points in CT, ME, NH and RI. 2. Between Secacus, NJ, on the one hand, and, on the other, points in Adams, Bedford, Berks, Blair, Bradford, Bucks, Cameron, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntington, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York Counties, PA; and points in CT, ME, NH, NY and RI. 3. Between Pennsauken, NJ, on the one hand, and, on the other, points in DE, MD and PA. 4. Between Syracuse, NY, on the one hand, and, on the other, points in PA. 5. Between Webster, NY, on the one hand, and, on the other, points in Ashland, Ashtabula, Belmont, Carroll, Columbiana, Coshocton, Cuyahoga, Erie, Franklin, Geauga, Guernsey, Harrison, Holmes, Huron, Knox, Lake, Licking, Lorain, Mahoning, Medina, Muskingum, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas and Wayne Counties, OH; and points in CT, DE, ME, MA, MD, NH,

NJ, PA, RI and DC. 6. Between Springfield, VA, on the one hand, and, on the other, points in Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Clearfield, Crawford, Dauphin, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Philadelphia, Somerset, Venango, Warren, Washington and Westmoreland Counties, PA; and points in DE, MD, NJ, NC, SC and DC. 7. Between Charlotte, NC, on the one hand, and, on the other, points in SC and VA. 8. Between Cleveland, OH, on the one hand, and, on the other, points in Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland Counties, PA. 9. Between points in OH, on the one hand, and, on the other, points in WV (except those in Berkeley, Brooke, Grant, Hampshire, Hancock, Hardy, Jefferson, Marshall, Mineral, Morgan, Ohio, Pendleton, Tucker and Wetzel Counties). 10. Between Detroit, MI, on the one hand, and, on the other, Indianapolis, IN, points in Indiana on the North of U.S. HWY #24, and points in OH. 11. Between Kansas City, MO, and Wichita, KS. 12. Between St. Louis, MO, on the one hand, and, on the other, points in IL, IN, IA and KY. 13. Between Omaha, NE, on the one hand, and, on the other, points in IA and SD. 14. Between Minneapolis, MN, on the one hand, and, on the other, points in IA, ND, SD and WI. 15. Between Portland, OR, on the one hand, and, on the other, points in WA. 16. Between Seattle, WA, on the one hand, and, on the other, points in OR. 17. Between Des Plaines, IL, on the one hand, and, on the other, points in Allen, Auglaize, Brown, Butler, Champaign, Clark, Clinton, Clermont, Defiance, Darke, Franklin, Fulton, Greene, Hamilton, Hancock, Henry, Highland, Logan, Lucas, Mercer, Miami, Montgomery, Ottawa, Paulding, Preble, Putnam, Sandusky, Seneca, Van Wert, Warren, Wood, and Williams, counties, OH; and points in IN, IA, MI, MO, and WI. 18. Between Dallas, TX, on the one hand, and, on the other, points in AR, LA and NM. 19. Between Atlanta, GA, on the one hand, and, on the other, points in AL, FL, MS, NC and TN. 20. Between Norfolk, VA, on the one hand, and, on the other, points in NC and WV. Supporting Shipper: Xerox Corporation, 800 Phillips Road, Webster, New York 14580.

MC 144122 (Sub-1-6TA) (republication), filed April 23, 1981. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North,

Paramus, NJ 07652. Representative: Charles J. Williams, P.O. Box 188, Scotch Plains, NJ 07076. *General commodities (except classes A and B explosives, and household goods as defined by the Commission) between the facilities used by E.I. DuPont de Nemours & Co., Inc. at points in the U.S., on the one hand, and, on the other, points in the U.S.* Supporting shipper(s): E. I. DuPont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 120616 (Sub-3-3TA), filed May 15, 1981. Applicant: A.V. DEDMON TRUCKING, INC., Highway 150 East, Shelby, NC 28150. Representative: J. Curtis Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209. *Expanded polystyrene foam plastic, from Cherryville, NC to Independence, KS.* Supporting shipper(s): Modern Polymers, P.O. Box 398, Cherryville, NC 28021.

MC 145541 (Sub-3-6TA), filed May 15, 1981. Applicant: SUNWAY CORP., 118 West Main Street, Thomasville, NC 27360. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract carrier: irregular: general commodities (except classes A & B explosives and hazardous materials) between all points in the United States, under continuing contract with Thomasville Furniture Industries, Inc., Armstrong World Industries, Inc., and E & B Carpet Mills, Inc. Supporting shippers: Thomasville Furniture Industries, Inc., 401 East Main Street, Thomasville, NC 27360; Armstrong World Industries, Inc., P.O. Box 3001, Lancaster, PA 17604, and E & B Carpet Mills, Inc., P.O. Box 1288, Arlington, TX 76010.*

MC 155949 (Sub-3-1TA), filed May 18, 1981. Applicant: DAWMAN S. GAY, JR., Rt. 2, Box 344-M, St. Augustine, FL 32084. Representative: W. Guy McKenzie, Jr., Post Office Box 1200, Tallahassee, FL 32302. *Passengers and their baggage in round trip, special and charter operations beginning and ending in Duval, St. Johns, Volusia and Putnam Counties, FL and extending to points in MS, Chatham County, GA; Charleston County, SC; Orleans and Jefferson Parishes, LA; Atlantic, GA and DC.* Supporting shipper(s): There are six statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 93021 (Sub-3-1TA), filed May 18, 1981. Applicant: RUSSELL TRANSFER CO., INC., 1300 Pogram Street, Charlotte, NC 28205. Representative: Earl W. White (same address as applicant).

Household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, between points in FL, GA, NC, SC, TN, VA, and Washington, DC. Supporting shippers: Belk Stores Services, Inc., 308 E. 5th Street, Charlotte, NC 28201; Burroughs Corp., Suite 200, 1915 Rexford Rd., Charlotte, NC 28211; Collins & Aikman Corp., P.O. Box 580, Albemarle, NC 28001; Family Dollar Stores, Inc., 10401 Old Monroe Road, Charlotte, NC 28212.

MC 147054 (Sub-3-3TA), filed May 18, 1981. Applicant: J. R. BRADY, d.b.a. J. R. BRADY TRUCKING, Route 3, Box 265, 801 Enochville Avenue, Kannapolis, NC 28081. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract carrier: irregular: furniture and fixtures, between all points in the United States, under continuing contract with Carter Chair Corp., Qwin-Taylor Chairs, Inc., Biscoe Furniture Industries, Hogan Dimension Mill, Inc., and Carter West, Inc. Supporting shippers: Carter Chair Corp., Qwin-Taylor Chairs, Inc., Biscoe Furniture Industries, Hogan Dimension Mill, Inc., and Carter West, Inc., 1000 N. Long Street, Salisbury, North Carolina.*

MC 114334 (Sub-3-25TA), filed May 18, 1981. Applicant: BUILDERS TRANSPORTATION CO., 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Metal and metal articles between points in SC, on the one hand, and on the other, AL, MS, LA, TN, AR & TX.* Supporting shipper: Amico Cold Drawn Division, Alabama Metals, P.O. Box 126, Taylors, SC 29687.

MC 138308 (Sub-3-22TA), filed May 18, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Robert L. McArty, P.O. Box 22628, Jackson, MS 39205. *Chemicals and related products between points in LA, NM, OK, and TX, on the one hand, and, on the other, points in the U.S.* Supporting shipper: Hancock Industries, Inc., 7144 Burns, Ft. Worth, TX.

MC 124154 (Sub-3-28TA), filed May 18, 1981. Applicant: WINGATE TRUCKING CO., INC., P.O. Box 645, Albany, GA 31703. Representative: W. D. Wingate (same address as applicant). *General commodities, (except commodities in bulk and Classes A and B explosives) between points in the US (except AK and HI), restricted to shipments originating at or destined to Distribution Services of America, Inc.'s warehouses, customers and suppliers.* Supporting shipper: Distribution Services of America, Inc., 666 Summer Street, Boston, Massachusetts 02210.

MC 124154 (Sub-3-27TA), filed May 18, 1981. Applicant: WINGATE TRUCKING CO., INC., P.O. Box 645, Albany, GA 31703. Representative: W. D. Wingate (same address as applicant). *Minerals, ores, refractories and refractory products, kaolin clay, chemicals, machinery, lumber and millworks between points in the United States (except AK and HI), restricted to shipments originating at or destined to the plants, warehouses and other facilities of C-E Industrial Products Group, Cumbustion Engineering, Inc., its customers and suppliers.* Supporting shipper: C-E Industrial Products Group, Cumbustion Engineering, Inc., P.O. Box 828, Valley Forge, PA 19482.

MC 144083 (Sub-3-2TA), filed May 18, 1981. Applicant: RALPH WALKER, INC., P.O. Box 3222, Jackson, MS 39207. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. *Lawn mowers and accessories from the facilities of Aircap Manufacturers, Inc., Tupelo, MS, on the one hand, and, on the other, points in the United States (except AZ and CA).* Supporting shipper: Aircap Manufacturers Inc., P.O. Box 1070, Tupelo, MS 38801.

MC 153509 (Sub-3-12TA), filed May 18, 1981. Applicant: KENTUCKY DISPATCH, INC., 3303 Camp Ground Road, Louisville, Kentucky 40216. Representative: James B. Murphy, Suite 102, Interchange Bldg., 835 West Jefferson Street, Louisville, KY 40202. *General commodities (except household goods as defined by the Commission, commodities requiring special equipment and commodities in bulk), between Jeffersonville, IN, New Albany, IN and Louisville, NY, and their respective commercial zones, on the one hand, and on the other, points in the U.S. except AK and HI.*

MC 155799 (Sub-3-1TA), filed May 18, 1981. Applicant: O'BERRY TRUCKING, 4521 Ogeechee Road, Savannah, GA 31405. Representative: Lester E. O'Berry (same address as applicant). *Roofing Materials and Supplies therefor between points in GA, NC, and SC.* Supporting shipper: Lymon Sales, 255 Great Falls Road, Lancaster, SC 29720.

MC 151036 (Sub-3-3TA), filed May 18, 1981. Applicant: DECATUR TRANSIT, INC., 161 First Avenue NE., Decatur, AL 35601. Representative: Eric G. Hancock (same address as applicant). *Asphalt and paving materials in bulk in tank vehicles from Tuscaloosa and Cordova, AL to points in the counties of Bledsoe, Coffee, Franklin, Marion, Moore, Rhea, Sequatchie and Van Buren, TN.* Supporting shipper: Tillet Brothers

Contractors, P.O. Box 1095,
Murfreesboro, TN 27130.

MC 146891 (Sub-3-3TA), filed May 18, 1981. Applicant: A & G EXPRESS, INC., 4807 Millbrooke Road, Albany, GA 31701. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *General Commodities (except classes A and B explosives)*, between points in GA on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: There are 13 supporting shipper statements which may be examined at the Regional Office, ICC, in Atlanta, GA.

MC 155337 (Sub-3-3TA), filed May 18, 1981. Applicant: KENNESAW TRANSPORTATION, INC., 115 Dixie Drive, Woodstock, GA 30188. Representative: C. W. Patrick (same address as applicant). *Chemicals and such commodities as are dealt in and used by chemical manufacturers and distributors (except commodities in bulk)* between the facilities of Oxford Chemicals, Inc., at or near Chamblee, GA and points in the U.S. (except AK and HI). Supporting shipper: Oxford Chemicals, Inc., P.O. Box 80202, Atlanta, GA 30366.

MC 128073 (Sub-3-1TA), filed May 18, 1981. Applicant: BANANA SHIPPING SERVICE, INC., P.O. Box 1345, Montgomery, AL 36102. Representative: Daniel O. Hands, Attorney at Law, 205 West Touhy Avenue, Suite 200-A, Park Ridge, IL 60068. *Bananas*, from Gulfport, MS, to points in AR and TN. Supporting shipper: Chiquita Brands, Inc., 15 Mercedes Drive, Montvale, NJ 07645.

MC 151826 (Sub-3-4TA), filed May 18, 1981. Applicant: J & S TRUCK SERVICE, INC., P.O. Box 807, Lexington, NC 27292. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., NW., Washington, DC 20036. *Contract*, irregular: *General Commodities (except Class A & B Explosives, hazardous wastes, or household goods as defined by the Commission)* between points in GA, NJ, and VA, on the one hand, and points in CA, LA, NM, MO, OK, OR, TX, UT, WA, and WY, on the other hand, under continuing contract with Hercules, Inc. Supporting shipper: Hercules, Inc., 910 Market St., Wilmington, DE 19899.

MC 145637 (Sub-3-4TA). Applicant: B & B EXPRESS, INC., P.O. Box 5552, Station B, Greenville, SC 29606. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *Wood flooring*, from the facilities of Anderson Hardwood Floors, at or near Clinton, SC, to points in the U.S. Supporting shipper(s): Standard Plywood, Inc., Old Laurens Rd., Clinton, SC 29325.

MC 155003 (Sub-3-4TA), filed May 18, 1981. Applicant: FREIGHT MASTERS, INC., P.O. Box 6855, Jackson, Miss. 39212. Representative: Charles L. Moseley (same address as applicant). *General commodities (except class A & B explosives), commodities in bulk, commodities of unusual value, household goods and those requiring the use of special equipment* between points in CA on the one hand and on the other all points in the U.S. except AK and HI. Supporting shipper: Streamline Shippers Association, Inc., 970 E. Third St., Los Angeles, CA 90013.

MC 146559 (Sub-3-4TA), filed May 19, 1981. Applicant: GOLDSTON TRANSFER, INC., P.O. Box 1059, Eden, NC 27288. Representative: Archie W. Andrews (same address as applicant). *Such commodities as are dealt in or used by a manufacturer of electrical products*, between Asheboro, Hickory, Salisbury, NC; Portsmouth, VA; Columbia and Laurel, MD; Norcross, GA; Morristown, TN; Edison and Vineland, NJ; Louisville, KY; Brockport, NY; Seattle, WA, on the one hand, and, on the other, points in the United States except AK and HI. Supporting shipper: General Electric Company, 1285 Boston Avenue, Bridgeport, CT 06602.

MC 144218 (Sub-3-1TA), filed May 18, 1981. Applicant: FELDSPAR TRUCKING CO., INC., P.O. Box 858, Spruce Pine, NC 28777. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29887. *Contract carrier*: Irregular. *Crude mica, in bulk*, from the facilities of The Feldspar Corporation at or near Middletown, CT, to the facilities of United States Gypsum Co. at or near Heflin, AL, under continuing contract(s) with The Feldspar Corporation, of Spruce Pine, NC. Supporting shipper: The Feldspar Corporation, P.O. Box 99, Spruce Pine, NC 28777.

MC 148773 (Sub-3-6TA), filed May 18, 1981. Applicant: A. F. L. TRUCK LINES, INC., 3661 Blue Heron Boulevard, Riviera Beach, FL 33404. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Contract: (a) iron and steel articles and commodities which, because of their size or weight, require the use of special equipment, and (b) materials, equipment and supplies used in the manufacture or distribution of (a) above*, between Lake Worth, FL, on the one hand, and, on the other, points in the U.S., under a contract or continuing contracts with Van Linda Iron Works. Supporting shipper: Van Linda Iron Works, 3787 Boutwell Road, Lake Worth, FL 33461.

MC 146293 (Sub-3-32TA), filed May 19, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville,

GA 30246. Representative: Richard M. Tettlebaum, P.O. Box 720434, Atlanta, GA 30328. *Contract*, irregular: *general commodities (except commodities in bulk and classes A and B explosives)*, between points in the U.S., under continuing contract with Distribution Services of America, Inc., Boston, MA. Supporting shipper: Distribution Services of America, Inc., 666 Summer Street, Boston, MA 02210.

MC 149563 (Sub-3-16TA), filed May 19, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Common, irregular; ores and minerals, clay, concrete, glass or stone products* between points in Union and Grainer Counties, TN, on the one hand, and, on the other, points in the States of KY, TN, VA, NC, SC, GA, AL, and MS. Supporting shipper: Luttrell Mining Company, Highway 131 North, Luttrell, TN 37779.

MC 155321 (Sub-3-1TA), filed May 19, 1981. Applicant: LOWNDES WAREHOUSE & DISTRIBUTING COMPANY, P.O. Box 145, Jennings, FL 32053. Representative: John W. Greer III, 925 Healey Building, Atlanta, GA 30303. *Contract*, irregular. (1) *Prefabricated roof trusses and floor joists, laminated veneer lumber and accessories; and (2) products and commodities used in the manufacture of No. (1) above*. (1) From Valdosta, GA, to TX, OK, AR, LA, MS, TN, AL, FL, SC, NC, VA, MD, and (2) from the above named states to Valdosta, GA under a continuing contract with Trus Joist Corporation. Supporting shipper: Trus Joist Corporation, P.O. Box 965, Valdosta, GA 31601.

MC 151242 (Sub-3-2TA), filed May 20, 1981. Applicant: AGS & COMPANY, INCORPORATED, 1110B Beltline Rd., S.E., P.O. Box 515, Decatur, AL 35602. Representative: Aaron J. Guthrie (same address as applicant). *Contract*: Irregular Routes: *Repossessed Mobile Homes*, from all points and places in TN to our lot in Decatur, AL, under continuous contract with Mobile Home Industries, Pelham, AL. Supporting shipper: Mobile Home Industries, Route 2, Box 158, Pelham, AL 35124.

MC 136315 (Sub-3-11TA), filed May 20, 1981. Applicant: OLEN BURRAGE TRUCKING, INC., P.O. Box 706, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. *Primary metal products* from Jefferson and Orleans Parish, LA, on the one hand, and, on the other, points in the United States in and east of TX, OK, KS, NE, SD and ND.

Supporting shipper: Atlas Steel & Wire Corporation, P.O. Box 23601, New Orleans, LA 70183.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 155568 (Sub-4-1TA), filed May 14, 1981. Applicant: MID-WISCONSIN COACHES, INC., Rt. 3, Box 64, Antigo, WI 54409. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Passengers and their baggage in charter operations and in special operations, in round-trip sight seeing and pleasure tours between points in Forest, Langlade, Lincoln, Oneida, and Vilas Counties, WI, on the one hand, and, on the other, points in IL, IN, IA, MI, and MN. Underlying ETA seeks 120 day authority. There are 10 supporting shippers.*

MC 150746 (Sub-4-12TA), filed May 15, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South La Salle, Suite 600, Chicago, IL 60603. *Plastic resins and pellets, from Hammond, IN to points in WI and IL. Supporting shipper: Gulf Oil Company—U.S., P.O. Box 3706, Houston, TX 77001.*

MC 150746 (Sub-4-11TA), filed May 15, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South La Salle, Suite 600, Chicago, IL 60603. *Automotive care products, personal care products, home care products and insecticides, from Racine County, WI to points in the United States. Supporting shipper: S. C. Johnson & Son, Inc., 1525 Howe Street, Racine, WI 53403.*

MC 150746 (Sub-4-10TA), filed May 15, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 South La Salle, Street, Chicago, IL 60603. *Thermal barrier window systems, from Saddle Brook, NJ, to CT, RI, MD, OH, PA, NY, MA, IN, MI, IL, WI, MN, and DC, for 270 days. Supporting shipper: Komcraft, Inc., 535 South Midland Avenue, Saddle Brook, NJ 07662.*

MC 145276 (Sub-4-6TA), filed May 15, 1981. Applicant: MINNESOTA EXPRESS, INC., 2400 Trott Avenue SW., P.O. Box 427, Willmar MN 56201. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Ste. 307, Edina, MN 55424. *Food and related products, between points in Minneapolis/St. Paul, MN commercial zone and Kandiyohi County, MN, on the one hand, and, on*

the other, points in Cass County, ND, for 270 days. Supporting shippers: Twin City Meats, 236 Chester Street, St. Paul, MN 55107; Ellison Wholesale Meat Company, 2540 24th Avenue South, Minneapolis, MN 55406.

MC 138388 (Sub-4-2TA), filed May 15, 1981. Applicant: CHESTER CAINE, JR., d.b.a. CAINE TRANSFER, Box 376, Lowell, WI 53557. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Malt beverages and materials, equipment and supplies used in the manufacture and distribution of such commodities between the facilities of Stroh Brewery Company in the Chicago, IL, Commercial Zone and points within WI. An underlying ETA seeks 120 days authority. Supporting shipper: Stroh Brewery Company, 1 Stroh Drive, Detroit, MI 48226.*

MC 105159 (Sub-4-16TA), filed May 18, 1981. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *Plastic foam insulation from Pevely, MO to points in IA, IL, MN, ND, SD and WI. An underlying ETA seeks 120 days authority. Supporting shipper: Brock-White, 7555 Florida Avenue, Golden Valley, MN 55428.*

MC 101075 (Sub-4-1TA), filed May 18, 1981. Applicant: TRANSPORT, INC., P.O. Box 396, Moorhead, MN 56560. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th Street, Minneapolis, MN 55402. *Asphalt and road oils from Cody, WY to points in SD. An underlying ETA seeks 120 days authority. Supporting shipper: Halstead & Lewis Construction Co., 1306 Western Avenue, Brookings, SD 57006.*

MC 107605 (Sub-4-3TA), filed May 18, 1981. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Road N.E., Minneapolis, MN 55413. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Common, regular. General commodities (except Classes A and B explosives), between Milwaukee, WI and Lincoln, NE, serving the intermediate point of Omaha, NE, from Milwaukee over WI Hwy 15 to junction IL Hwy 2, then over IL Hwy 2 to junction IL Hwy 5, then over IL Hwy 5 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Lincoln, and return over the same route. Also serving the commercial zones of Milwaukee, Lincoln and Omaha. Authority to tack with MC-107605 and to interline at Milwaukee, Omaha and Lincoln. There are 31 supporting*

shippers. Corresponding 30 day ETA application filed.

MC 151899 (Sub-4-11TA), filed May 18, 1981. Applicant: BLACKHAWK EXPRESS, INC., 89 North Main Street, Fort Atkinson, WI 53538. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Contract, food and related products and materials, equipment and supplies used in the manufacture and distribution of food and related products between the facilities of Aunt Nellie's Foods located at or near Clyman, WI, on the one hand, and, on the other, points in the U.S. under continuing contracts with Aunt Nellie's Foods, Inc., a Division of Beatrice Foods, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Aunt Nellie's Foods, Inc., a Division of Beatrice Foods, Inc., Clyman, WI 53016.*

MC 156001 (Sub-4-1TA), filed May 15, 1981. Applicant: HEARMON R. EASTERLING, d.b.a. DULUTH LIMO, INC., 105 East Second Street, Duluth, Minnesota 55805. Representative: Sharra L. Easterling (same address as applicant). *Passengers and their baggage, in special and charter operations, between points in St. Louis County, MN and the States of WI and MI, on the one hand, and on the other, points in the U.S. Supporting shipper: Republic Airlines Inc., Mr. Ray E. Miller, Customer Service Manager, Duluth International Airport, Duluth, MN 55811.*

MC 153077 (Sub-4-2TA), filed May 18, 1981. Applicant: TOTAL TRANSPORTATION, INC., 1601 99th Lane NE., Minneapolis, MN 55434. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55435. *Rubber and plastic products, between St. Croix County, WI; Morrison County, MN and points in the Minneapolis-St. Paul commercial Zone, on the one hand, and, on the other, points in the U.S. in and west of WI, IL, MO, AR and LA. Supporting shipper: T.O. Plastics, Inc., 2901 East 78th St., Minneapolis, MN 55420.*

MC 156000 (Sub-4-1TA), filed May 15, 1981. Applicant: FLOR-DRI SUPPLY COMPANY, INC., 4629 W. Fort Street, Detroit, MI 48209. Representative: William R. Ralls, P.C., 118 W. Ottawa Street, Suite B, Lansing, MI 48933. *Beer, ale, porter and stout, in bottles, cans, barrels, and kegs from Detroit, MI on the one hand to points in TN and FL on the other. There are five supporting shippers.*

MC 156005 (Sub-4-1), filed May 14, 1981. Applicant: GLORY BOUND EXPRESS, INC., Rt. 3 Box 87, Verndale, MN 56491. Representative: Robert P.

Sack, P.O. Box 6010, West St. Paul, MN 55118. *Contract, irregular; Bridges, bridge sections, decking, tubing, grates and miscellaneous parts thereof, and materials, supplies and equipment used in the manufacture and distribution of bridges, between Douglas County, MN on the one hand, and, on the other, points in the U.S. under a continuing contract(s) with Continental Custom Bridge Company of Alexandria, MN. Applicant has an underlying ETA for 120 days. Supporting shipper: Continental Custom Bridge Company, Rt. 5, P.O. Box 178, Alexandria, MN 56308.*

MC 156005 (Sub-4-1TA), filed May 14 1981. Applicant: HARLAN ERDAHL TRUCKING, INC., 1901 Erdahl Road, Stoughton, WI 53589. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana road, Madison, WI 53719. *Contract; irregular; truck semi-trailers (except those designed to be drawn by passenger automobiles) in initial movements, in truckaway service, and trailer parts and accessories between Stoughton, WI, and points in the U.S. restriction: restricted to transportation performed under a continuing contract(s) with Stoughton Trailers, Inc. Supporting shippers: Stoughton Trailers, Inc., 416 S. Academy St., Stoughton, WI 53589.*

MC 151899 (Sub-4-10TA), filed May 15, 1981. Applicant: BLACKHAWK EXPRESS, INC., 89 North Main Street, Fort Atkinson, WI 53538. Representative: Anthony E. Young, 29 South LaSalle, Street, Suite 350, Chicago, IL 60603. *Contract: (1) textile mill products, plastic and plastic products, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above, between Plainfield, CT on the one hand, and, on the other, points in and east of ND, SD, KS, OK, and TX, under continuing contracts with Pervel Industries, Inc. of Plainfield, CT and its subsidiaries and affiliates. An underlying ETA seeks 120 days authority. Supporting shipper: Pervel Industries, Inc., Plainfield, CT 06327.*

MC 151899 (Sub-4-9TA), filed May 15, 1981. Applicant: BLACKHAWK EXPRESS, INC., 89 North Main Street, Fort Atkinson, WI 53538. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Contract: Plastic, plastic articles, and plastic products from Baraboo, WI to points in CT, ME, NJ, PA, and TX, under a contract or continuing contracts with Teel Plastic Company, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Teel Plastic Company, Inc., 426 Hitchcock Street, Baraboo, WI 53913.*

MC 128927 (Sub-4-3TA), filed May 15, 1981. Applicant: MARTIN TRUCKING COMPANY, INC., Box 408, Tomah, WI 54660. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719. *Malt beverages from La Crosse, WI, and St. Paul, MN, to the facilities of Wilhelmi Beverages, Inc., at Joliet, IL. An underlying ETA seeks 120 days authority. Supporting shipper: Wilhelmi Beverages, Inc., 1-80 & South Larkin Ave., Joliet, IL 60436.*

MC 151080 (Sub-4-5TA), filed May 15, 1981. Applicant: SENATE CARTAGE COMPANY, INC., 1000 Jorie Blvd., Suite 200, Oak Brook, IL 60521. Representative: Lawrence T. Sansone (same address as applicant). *General commodities, (except classes A and B explosives), between points in U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Capitol Freight System or its member affiliates. An underlying ETA seek 120 days authority. Supporting shipper: Capitol Freight System, P.O. Box 6546, Chicago, IL 60680.*

MC 145462 (Sub-4-1TA), filed May 15, 1981. Applicant: HOLLIS E. LOWE, d.b.a. LOWE TRUCKING COMPANY, 6639 Abington Pike, Richmond, IN 47374. Representative: Hollis E. Lowe, owner (same as applicant). *Contract; irregular; Iron and Steel articles or any other products, equipment or supplies belong to Dana Corp. between Richmond, IN and all points in the States of IL, MI, OH and MO. No underlying ETA application filed. Supporting shipper: Dana Corp., 1400 Dana Parkway, Richmond, IN 47374.*

MC 153315 (Sub-4-2TA), filed May 15, 1981. Applicant: GEO McNEIL TEAMING COMPANY, 700 West Erie St., Chicago, IL 60610. Representative: Thomas B. Hill, 700 West Erie St., Chicago, IL 60610. *Contract; irregular; Pulp, paper and related products between Broadview, IL and points in IN and MI. Supporting shipper: LaSalle Messinger Paper Co., 2601 South 25th Ave., Broadview, IL 60153.*

MC 148600 (Sub-4-4TA), filed May 15, 1981. Applicant: TRANSHIELD TRUCKING, INC., 1000 N. Harvester Road, West Chicago, IL 60185. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. (202) 628-9243. *Contract; irregular: Metal products, between points in the United States under continuing contract(s) with Alchem International, Inc. and its subsidiaries Davis Metals and Alchem Aluminum. Supporting shipper: Alchem*

International, Inc., 4646 U.S. Hwy 24 West, Fort Wayne, IN 46804.

MC 136635 (Sub-4-18TA), filed May 15, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 West Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. (1) *Foodstuffs and (2) Materials, equipment and supplies used in the manufacture and distribution thereof between the facilities of American Home Products, Inc., LaPorte, IN on the one hand, and, on the other, points in IL, KY, MI, MO, OH, TN, and WA. Supporting shipper: American Home Products Inc., 685 Third Ave., New York, NY 10017.*

MC 145747 (Sub-4-4TA), filed May 15, 1981. Applicant: R & S TRANSPORT, INC., 3601 Wyoming Ave., Dearborn, MI 48120. Representative: David A. Turano, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. *Fly ash, in bulk, in tank vehicles, between Mason County, WV, on the one hand, and, on the other, points in IN, KY, MO, OH, and PA for 270 days. Supporting shipper: American Electric Power Service Corp., 301 Virginia St. E., P.O. Box 1986, Charleston, WV 25395.*

MC 153883 (Sub-4-5TA), filed May 20, 1981. Applicant: HARNIC TRUCKING, INC., 3340 Calumet Ave., Hammond, IN 46320. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Contract: Irregular: Metal Products, Between points in the U.S., under continuing contract(s) with Otto Wolff America, Inc. Supporting shipper: Otto Wolff America, Inc., 9700 Richmond Ave., Suite 131, Houston, TX 77042.*

MC 142619 (Sub-4-1TA), filed May 19, 1981. Applicant: DASH TRANSPORTATION, INC., P.O. Box 221, Bloomingdale, IL 60108. Representative: E. J. Kiley, 1730 M Street NW., Washington, D.C. 20036. *Contract irregular: Stainless steel items and materials, equipment and supplies used in the manufacture, sale and distribution of stainless steel items, between Addison, IL, on the one hand, and, on the other, points in OH, TX, NJ, CO, NE, NV, WI and KY, under continuing contracts with Sovereign Metals of Addison, IL. Supporting shipper: Sovereign Metals, 711 Factory Street, Addison, IL 60101.*

MC 155894 (Sub-4-2TA), filed May 20, 1981. Applicant: COLE COUNTRY EXPRESS, INC., 4401 River Road, Grand Rapids, MN 55744. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424. *Such merchandise as is dealt in by wholesale and retail hardware stores, between*

points in Itasca County, MN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Cole Hardware, Inc., 108 2nd St. N.W., Grand Rapids, MN 55744.

MC 106674 (Sub-4-44), filed May 20, 1981. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Clay, crushed or ground, in bags*. From Thomas County, GA to VA. An underlying ETA seeks 120 days authority. Supporting shipper: Waverly Mineral Products Company, 3018 Market Street, Philadelphia, PA, 19104.

MC 153973 (Sub-4-2TA), filed May 19, 1981. Applicant: SPARTAN SERVICE TRANSPORTATION, INC., 1501 West Pershing Road, Chicago, IL 60609. Representative: Themis N. Anastos, 120 West Madison Street, Chicago, IL 60602. *Plastic articles and materials, equipment and supplies used in manufacture, sale and distribution thereof*, between points in IL and MN, under continuing contract with Amoco Container Company of Atlanta, GA. Supporting shipper: Amoco Container Company, 2100 Powers Ferry Rd., NW, Suite 300, Atlanta, GA 30099.

MC 145664 (Sub-4-24), filed May 19, 1981. Applicant: STALBERGER, INC., 223 S. 50th Ave, West, Duluth, MN 55807. Representative: Joyce L. Donaldson (same as applicant). *Waferboard with laminated surfaces such as fiberglass, aluminum, steel, foam and supplies and materials used in the manufacture, sale, and distribution thereof* between Sangamon County, IL on the one hand, and points in the U.S. on the other hand. Supporting shipper: Nudo Products, 2508 South Grand Ave., East Springfield, IL 62707.

MC 151934 (Sub-4TA), filed May 19, 1981. Applicant: KING'S EXPRESS, INC., Rural Route 2, St. Joseph, MN 56374. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424. *Food and related products*, between Columbia, Dodge, Fond du Lac, Green Lake, Langlade, Marinette, Oconto, St. Croix, Waukesha and Waupaca Counties, WI, on the one hand, and, on the other, points in IL, IA, MI, MN, ND and SD. Supporting shipper: Friday Canning Co., 660 N. 2nd Street, New Richmond, WI 54017.

MC 143280 (Sub-4-25TA), filed May 19, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Pulp and paper and allied products*, between St. Croix County, WI;

Kenton County, KY; Hillsborough County, FL; Cameron County, TX and Wayne County, MI, on the one hand, and, on the other, points in the U.S. Supporting shipper: Duro Paper Bag Manufacturing, Box 247, Hudson, WI 54016.

MC 143280 (Sub-4-27TA), filed May 19, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Pulp, paper and allied products, chemicals and insulation*, between Minneapolis-St. Paul, MN; Wyandette County, KS; Clay County, MO; Shelby County, IN; Carlton County, MN; St. Louis County, MN; Adams County, NE; Blue Earth County, MN; LaCrosse County, WI; Eau Claire County, WI; Cass County, ND; Chicago, IL; Custer County, MT; Pennington County, SD; Pennington County, MN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Insulation Distributors, Inc., 14530-27th Avenue North, Plymouth, MN 55441.

MC 143280 (Sub-4-26TA), filed May 19, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Electrical machinery*, between Minneapolis-St. Paul, MN, on the one hand, and, on the other, points in the U.S. Supporting shipper: L & L Manufacturing, 3300 Winpark Drive, Crystal, MN 55427.

MC 154681 (Sub-4-4TA), filed May 19, 1981. Applicant: NORTH CENTRAL TRANSPORTATION, INC., RR #2, Box 83B, Fargo, ND 58102. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58128. *Iron and steel articles*, from Minneapolis and St. Paul, MN and LaCrosse, WI and points within their commercial zone to points in ND, SD, MT, ID, WA and WY. There are 5 supporting shippers.

MC 152001 (Sub-4-3TA), filed May 19, 1981. Applicant: HALL'S SPECIALTIES, INC., R.R. #1, Laotto IN 46783. Representative: Constance J. Goodwin, Attorney at Law, Suite 800 Circle Tower, Five East Market Street, Indianapolis, IN 46204. (1) *Pentane and Jet Fuel*, between Allen County, IN, on the one hand, and on the other, points in Allegheny County, PA; Cook County, IL; Montgomery, Lucas and Franklin Counties, OH; and (2) *Gasoline and Diesel Fuel*, between points in Huntington and St. Joseph Counties, IN; Berrien, Jackson and Ingham Counties, MI; Allen and Lucas Counties, OH, on the one hand and, on the other, points in

IN, MI and OH. Supporting shippers: Gladieux Refinery, Inc., 4133 New Haven Ave., Ft. Wayne, IN 46803; Petroleum Marketing Inc., 9315 Thunder Hill Pl., Ft. Wayne, IN 46803.

MC 156049 (Sub-4-1TA), filed May 18, 1981. Applicant: CASPER CARTAGE, INC., 6265 Fairwood, Dearborn Heights, MI 48172. Representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, IL 60601. *Contract, irregular: Containers, container ends and materials and supplies used in the manufacture and distribution of containers and container ends*, between points in IN, MI and OH. Supporting shippers: National Can Corporation, 8101 W. Higgins Road, Chicago, IL 60631; Vernors, Inc., 4501 Woodward, Detroit, MI and Mavis Beverage, 7351 Lynden Ave., Detroit, MI.

MC 156052 (Sub-4-1TA), filed May 19, 1981. Applicant: INSTALLATIONS, INC., 312 Huron Blvd., East, Marysville, MI 48040. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Office furniture and office accessories*, between St. Clair County, MI and Orange County, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Bismac International, Inc., 379 Dundas St., London, Ontario, Canada.

MC 155989 (Sub-4-1TA), filed May 18, 1981. Applicant: NICHOLAS CRNEK, JR., d.b.a. RELIABLE TRUCK LINES, 9920 Reek Rd., Allen Park, MI 48101. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. *Contract, irregular: General commodities (except classes A and B explosives)* between points in the U.S. under a continuing contract with Aluma-Systems, Inc. Supporting shipper: Aluma-Systems, Inc., 4800 Dufferin St., Downview (Toronto), Ontario, CD M3H 5S9.

MC 118612 (Sub-4-7TA), filed May 18, 1981. Applicant: COLUMBIA TRUCKING, INC., 700 131st Place, Hammond, IN 46320. Representative: Richard A. Kerwin, 180 North LaSalle Street, Chicago, IL 60601. *Hazardous and Toxic Waste Materials* between points in the states of IA, IL, IN, MI, MN, and WI. Supporting shipper: Dowell, Division of The Dow Chemical Company, P.O. Box 160, Chicago Heights, IL 60411.

MC 153883 (Sub-4-4TA), filed May 18, 1981. Applicant: HARNIC TRUCKING, INC., 3340 Calumet Avenue, Hammond, IN 46320. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Contract irregular: Food and*

Related Products, Between points in the U.S., under continuing contract(s) with Schulze and Burch Biscuit Co.

Supporting shipper: Schulze and Burch Biscuit Co., 1133 West 35th Street, Chicago, IL 60609.

MC 155773 (Sub-4-2TA), filed May 18, 1981. Applicant: GERALD J. GROB, d.b.a. JB & J TRUCKING, 5124 County Trunk P, Cross Plains, WI 53528. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Carpet* from points in Walker, Catoosa, Whitfield, Chatooga, Floyd, Bartow, Cherokee, Gordon, Pickens, Murray, Gilmer, and Fannin Counties, GA to Madison and Green Bay, WI. Underlying ETA seeks 120 days authority. Supporting shipper: Coyle, Inc., 250 West Beltline Hwy., Madison, WI 53713.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, P.O. Box 17150, Fort Worth, TX 76102.

MC 2095 (Sub-5-5TA), filed May 21, 1981. Applicant: KEIM TRANSPORTATION, INC., P.O. Box 226, Sabetha, KS 66534. Representative: Clyde N. Christey, 1010 Tyler, Suite 110L, Topeka, KS 66612. *Wheat middlings*, from Denver, CO to Flagstaff, AZ. Supporting shipper: Ralston-Purina Co., Checkerboard Sq., St. Louis, MO 63188.

MC 59367 (Sub-5-7TA), filed May 21, 1981. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Ft. Dodge, IA 50501. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Food and related products*, between Ft. Dodge, IA, and Omaha, NE, on the one hand, and, on the other, points in the U.S. in and west of MI, OH, KY, TN, GA, and FL (except AK and HI). Supporting shipper: Omaha Cold Storage Terminals, Inc., R.R. 2, Ft. Dodge, IA 50501.

MC 111401 (Sub-43TA), filed May 21, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (same as applicant). *Spent sulfuric acid, in bulk*, from Sinclair, WY to Evans, CO. Shipper: Saunders Chemical Co., P.O. Box 129, Evans, CO 80620.

MC 115669 (Sub-5-10TA), filed May 22, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant). *Food and related commodities*, between Lancaster and Hall Counties, NE, on the one hand, and, on the other, pts in the U.S. (except AK

and HI). Supporting shipper: Delicious Foods Co., P.O. Box 730, Grand Island, NE 68801.

MC 126822 (Sub-5-59TA), filed May 22, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Hwy, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *Refractory products and materials, equipment and supplies used in the manufacture, distribution and installation thereof* between pts in the U.S., restricted to shipments from, to or between the facilities of Chicago Fire Brick Co. Supporting shipper: Chicago Fire Brick Co., 1467 North Elston Avenue, Chicago, IL 60622.

MC 133604 (Sub-5-2TA), filed May 21, 1981. Applicant: LYNN TRANSPORTATION COMPANY, INC., 712 South 11th Street, Oskaloosa, IA 52577. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Unfinished furniture Parts And Equipment To Assemble*, Between pts in TX, on the one hand, and, on the other, pts in IA and MO. Supporting shipper: Dooley Mfg. Co., Box 32, 700 "D" Avenue West, Oskaloosa, IA 52577.

MC 138658 (Sub-5-1TA), filed May 21, 1981. Applicant: CROSS TRANSPORTATION, INC., 100 Factory St., Lewis, KS 67552. Representative: Clyde N. Christey, 1010 Tyler, Suite 110L, Topeka, KS 66612. Contract, irregular (1) *Machinery, equipment, materials and supplies used in or in connection with, the discovery development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and products and by-products (except drilling rigs); (2) Materials, machinery equipment and supplies, used in or in connection with the construction, operation, repair, servicing and maintenance of natural gas and petroleum pipelines; (3) Machinery, equipment, materials and supplies, necessary or useful in the manufacture, assembly and distribution of the commodities set forth in 1 and 2 above, and (4) Iron and steel articles* between points in the U.S. (except AK and HI). Supporting shippers: Valley Research and Development Co., 100 Factory St., Lewis, KS 67552.

MC 141312 (Sub-5-5TA), filed May 21, 1981. Applicant: DOKTER TRUCKING CORP., P.O. Box 408, Weeping Water, NE 68463. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Contract, Irregular. *Sodium sulfate*, from Gaines County, TX to Otoe County, NE, under a continuing contract(s) with Nebraska Ash company. Supporting shipper: Nebraska

Ash Company, P.O. Box 449, Weeping Water, NE 68463.

MC 144603 (Sub-5-42TA), filed May 22, 1981. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). *Lumber and wood products* between the facilities of Medford Moulding Company at or near White City, OR, on the one hand, and, on the other, pts in and east of MN, IA, MO, AR and LA. Supporting shipper: Medford Moulding Company, P.O. Box 596, Medford, OR 97501.

MC 146518 (Sub-5-2TA), filed May 21, 1981. Applicant: OWEN MOTOR FREIGHT LINE, INC., P.O. Box 7516, Alexandria, LA 71306. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE., Atlanta, GA 30328. *Lumber and wood products* between points in LA and AR, on the one hand, and, on the other, points in the US. Supporting shipper: Dur-Wood Treating Co., P.O. Box 231, Pineville, LA 71360.

MC 147676 (Sub-5-7TA), filed May 22, 1981. Applicant: KEATON TRUCK LINES, INC., 1000 South Lelia Street, P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington, 1000 South Lelia Street, P.O. Box 1187, Texarkana, TX 75504. Contract; Irregular. *Carpet and all commodities used in the manufacturing of carpet* Between Hope, AR and AL, AZ, GA, LA, MS, MO, NM, NY, OH, PA, SC, TN, TX. Supporting shipper: Spears Carpet Mills, Inc., P.O. Box B, Hope, AR 71801.

MC 151435 (Sub-5-6TA), filed May 22, 1981. Applicant: MOTRAN SERVICES, INC., 6311 Raytown Rd., Raytown, MO 64133. Representative: Charles Dixon (same as above). Contract, Irregular. *General commodities (except class A and B explosives)*, from Kansas City, MO to points in CA, OR, TX, OH, MD and GA. Supporting shipper: Stuf-It, Inc., 8300 N.E. Underground Dr., Kansas City, MO 64133.

MC 151819 (Sub-5-10TA), filed May 21, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75235. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Alcoholic beverages and wines in packages*; from Brooklyn and Westfield, NY; Lansdowne, MD; Scobeyville, NJ; Plainsfield, IL; and points in CA, to points in TX, Little Rock, AR; Shreveport, Lafayette and Harahan, LA; Phoenix and Tucson, AZ. Supporting shipper(s): Glazer's Wholesale Drug Co., Inc., 508 Park Avenue, Dallas, TX.

MC 151819 (Sub-5-11TA), filed May 22, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75235. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Paper and printed matter*; between Ft. Worth, TX on the one hand, and, on the other, points in AZ, LA, MS, AL, FL, OH, NY, NC, IL, WI, MN, and CO. Supporting shipper(s): Printing Center, 701 E. Fifth St., Ft. Worth, TX 76102.

MC 152537 (Sub-5-4TA), filed May 21, 1981. Applicant: WIN WILLIAMS TRUCKING CO., INC., 14025 Spencer Rd., Suite No. 201, Houston, TX 77041. Representative: Win Williams, 14025 Spencer Rd., Suite No. 201, Houston, TX 77041. *Pipe, when moving as oilfield equipment*, between points TX, OK, LA, MN, CO, and WY, restricted to traffic moving for the account of Mitchell Energy. Supporting shippers: Mitchell Energy, P.O. Box 61863, Houston, TX 77208.

MC 154488 (Sub-5-3TA), filed May 21, 1981. Applicant: JOE T. LASLEY, d.b.a. LASLEY TRUCKING COMPANY, Highway 64 East, P.O. Box 1368, Conway, AR 72032. Representative: John B. Fowlkes, Jr., P.O. Box 1368, Conway, AR 72032, 501-327-0383. Contract: Irregular, *Steel having prior water or rail movement* from Little Rock, AR on the one hand to the facilities of American Transportation Corporation, Conway, AR on the other hand under continuing contract with American Transportation Corporation. Supporting shipper: American Transportation Corp., Highway 65 South, Conway, AR 72032.

MC 155595 (Sub-5-5TA), filed May 21, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, TX 75212. Representative: Daniel C. Sullivan, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Such commodities as are dealt in or used by catalog or retail farm, home, and automobile stores; or, by variety department stores*, between Davidson County, TN; Marion County, IN; and, Douglas County, NE, on the one hand, and, on the other, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. Supporting shipper: Tractor Supply Co., 915 Murfreesboro Rd., Nashville, TN 37217.

MC 155595 (Sub-5-6TA), filed May 21, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, TX 75212. Representative: Daniel C. Sullivan, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Such commodities as are dealt in or used by*

manufacturers or distributors of (1) health and beauty aids, (2) pharmaceuticals, (3) chemicals, (4) mints, (5) food ingredients, and (6) automotive materials and supplies, between Davidson County and Rutherford County, TN; on the one hand, and, on the other, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. Supporting shipper: Cumberland Manufacturing Company, P.O. Box 24676, 501 25th Ave. North, Nashville, TN 37202.

MC 155595 (Sub-5-7TA), filed May 22, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, TX 75212. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Textile mill products*, between Davidson County, TN and Christian County, KY, on the one hand, and, on the other, Pts in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI. Supporting shippers: Haywood Male Company, Div. of Genesco, 1501 County Hospital Road, Nashville, TN 37218; W.E. Stevens Manufacturing Company, Inc., 400 First Avenue South, Nashville, TN 37201; Elk Brand Manufacturing Co., 1010 S. Campbell, Hopkinsville, KY.

MC 155595 (Sub-5-8TA), filed May 22, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, TX 75212. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Leather and leather products*, between Williamson and Wilson Counties, TN, on the one hand, and, on the other, Pts in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI. Supporting shippers: Georgia Boot—Durango, Division of U.S. Industries, Inc., Franklin, TN; Texas Boot Company, P.O. Box 480, Lebanon, TN.

MC 155734 (Sub-5-1TA), filed May 21, 1981. Applicant: BLUE LINE STORAGE COMPANY, 226 Elm Street, Des Moines, IA 50309. Representative: Walt Burns (same as applicant). *Telephone equipment, material and supplies used in the construction and maintenance of telephone systems* between Des Moines, IA, on the one hand, and, on the other, Pts in IA. Supporting shipper: Western

Electric Co. 111 Havana Street, Aurora, CO 80010.

MC 155903 (Sub-5-1TA), filed May 21, 1981. Applicant: DAHLIA PLANTATION, INC., Route 2, Box 18, Tallulah, LA 71282. Representative: Gene Laird (same as applicant). (1) *Oilwell pumping stations, related machinery, equipment, and parts, and items used in the manufacture, assembly, and distribution of those commodities*, between points in Madison and Ouachita Parishes, LA, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (2) *Tanks and tank parts, Iron or Steel, and items used in the manufacture, assembly, and distribution of those commodities*, between points in Madison Parish, LA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: Dixie, Inc., P.O. Box 308, Tallulah, LA. Pnu Tank, Inc., P.O. Box 1800, Tallulah, LA. United Machinery Service, Inc., 4705 Milhaven Rd., Monroe, LA.

MC 156079 (Sub-5-1TA), filed May 21, 1981. Applicant: CIRCLE C CARRIERS, INC., 10108 Dobby Drive, Little Rock, AR 72206. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, Nashville, TN 37201. (1) *household appliances*. (2) *television sets and recorders (tape or wire)*, and (3) *parts and accessories for appliances, television sets and recorders* from the facilities of the General Electric Co., at or near Little Rock, AR, to points in LA, MS, NM, OK and TX. Supporting shipper: General Electric, Co., 6901 Lindsey Road, Little Rock, AR 72206.

MC 5888 (Sub-5-4TA), filed May 19, 1981. Applicant: MID-AMERICAN LINES, INC., 127 West 10th Street, Kansas City, MO 64105. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. *General Commodities (Except Classes A and B Explosives and Household Goods as defined by the Commission)* from Forest City, IA, to St. Louis, MO; Cleveland & Cincinnati, OH; Chicago, IL; Detroit, MI; and points in their respective Commercial Zones. Supporting shipper: Minnesota Mining and Manufacturing Company, 3M Center, Transportation-Bldg. 225-1S, St. Paul, MN 55144.

MC 115669 (Sub-5-9TA), filed May 19, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same as applicant). *Limestone, limestone products, and materials and items used in processing and manufacturing limestone and limestone products*,

between Quincy, IL; Ft. Dodge, IA; Carthage, MO; and Marble Falls, TX; on the one hand, and, on the other, points in AR, IL, IA, KS, MN, MO, NE, ND, OK, SD, TX and WI. Supporting shipper: Calcium Carbonate Co., 3150 Gardner Expressway, Quincy, IL 62305.

MC 120430 (Sub-5-1TA), filed May 20, 1981. Applicant: COASTAL TRANSPORT CO., INC., 5714 Star Lane, Houston, TX 77057. Representative: Leroy Hallman, Phinney, Hallman, Pulley & Coke, 4555 First National Bank Building, Dallas, TX 75202. *Natural gasoline, in bulk, in tank trailers*, from the Conoco Refinery at or near Medford, OK to San Antonio, TX. Supporting shipper: Howell Hydrocarbons, 7811 South Presa, San Antonio, TX 78221

MC 135015 (Sub-5-2TA), filed May 20, 1981. Applicant: SOUTHERN TRANSIT COMPANY, INC., 1211 South 9th Street, P.O. Box 3586, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Forth Smith, AR 72902. *General commodities, except Classes A and B Explosives, commodities in bulk, hazardous materials and household goods as defined by the Commission*, between points in Crawford, Polk, Scott, Sebastian and Sevier Counties, AR, and LeFlore, McCurtain and Sequoyah Counties, OK, on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shippers: 7.

MC 151819 (Sub-5-9TA), filed May 19, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood, Dallas, TX 75235. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Food and related products*; between Anderson County, TX on the one hand, and, on the other, points in the states of: AL, AZ, AR, CA, CO, FL, GA, IL, IA, KS, KY, LA, MI, MN, MS, MO, NY, NM, NC, NE, OH, OK, PA, SC, TN, WI, UT and VA. Supporting shipper(s): Vernon Calhoun Packing Co., P.O. Box 709, Palestine, TX 78701.

MC 152537 (Sub-5-3TA), filed May 20, 1981. Applicant: WIN WILLIAMS TRUCKING CO., INC., 14025 Spencer Rd., Suite #201, Houston, TX 77041. Representative: Win Williams (same as applicant). *Pipe, when moving as oilfield equipment*, between points in TX, OK, and LA, restricted to traffic moving for the account of International Materials and Service Co. Supporting shippers: International Materials & Service Co., P.O. Box 602, Galena Park, TX 77547.

MC 152649 (Sub-5-5TA), filed May 20, 1981. Applicant: RIVERLAND TRUCKING CO., INC., P.O. Drawer BC, Reserve, LA. 70084. Representative: Harry M. England (same as applicant). Contract: irregular: *such commodities as*

are manufactured by, dealt in, or used by manufacturers of sugar products, between Reserve, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, KY, MS, NC, OH, OK, TN, TX, VA, WI, IN, NE, SC, and LA. Supporting shipper: Godchaux-Henderson Sugar Company, Inc., River Road, P.O. Drawer AM, Reserve, Louisiana 70084.

MC 153323 (Sub-5-6TA), filed May 20, 1981. Applicant: IOWA-TEXAS EXPRESS, LTD., P.O. Box 283, Denison, IA 51102. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC, 209 and 766 (except hides and commodities in bulk)* from facilities of Farmland Foods, Inc. at or near Denison, Iowa Falls, Carroll, Cherokee, Des Moines, Fort Dodge, and Sioux City, IA and Crete, Omaha and Lincoln, NE to pts in the U.S./ in and west of WI, IL, MO, AR, and LA. Supporting shipper(s): Farmland Foods, Inc., P.O. Box 403, Denison, IA 51442.

MC 154271 (Sub-5-1TA), filed May 20, 1981. Applicant: BLUE BONNET TRANSIT, INC., 4000 Spring Valley Road, Dallas, TX 75234. Representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, TX 75202. Contract: irregular: (1) *Alcoholic Beverages and Wine (except in bulk)*, between points in the U.S., under continuing contract(s) with Lone Star Company, Dallas, TX; (2) *Non-Exempt Food and Kindred Products* as described in STCC No. 20, between points in the U.S. under continuing contract(s) with Iowa Beef Processors, Inc., Dakota City, NE. Supporting shippers: Lone Star Company, P.O. Box 225808, Dallas, TX 75265; Iowa Beef Processors, Inc., Dakota City, NE.

MC 154768 (Sub-5-7TA), filed May 20, 1981. Applicant: IOWA EXPRESS DISTRIBUTION, INC., 2165 N.W. 108th, Des Moines, IA 50322. Representative: Harold W. Sternberg, 2165 N.W., 108th Des Moines, IA 50322. Contract: irregular *such commodities as books, games, toys, and related material as sold in department and variety stores*, (1) between pts in IA, (2) between pts in IA, on the one hand, and, on the other, Omaha, NE, and (3) between pts in Rock Island County, IL, under continuing contract(s) with Western Publishing Company, Inc., Racine, WI. Supporting shipper: Western Publishing Company, Inc., 1220 Mound Avenue, Racine, WI 53404.

MC 155689 (Sub-5-1TA), filed May 19, 1981. Applicant: BOB'S HOME SERVICE, INC., d.b.a. B.H.S., INC., Route 1, Box 116-F, Wright City, MO 63390. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. *Hazardous and non-hazardous industrial waste* between points in IN, IL, IA, NE, KS, AR, KY, and TN on the one hand, and on the other, Bob's Home Service Industrial Waste Landfill at or near Wright City, MO. Supporting shippers: Square D Company, 1717 Centerpark Road, Lincoln, NE 68512; Square D Company, 3700 Sixth Street, S.W., Cedar Rapids, IA 52406; Olin Corporation, Shamrock Street, East Alton, IL 62024.

MC 155952 (Sub-5-1TA), filed May 19, 1981. Applicant: J. L. STEWART COMPANY, P.O. Box 33035, San Antonio, TX 78233. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104. *Candy and confectionary*, between Houston and San Antonio, TX, on the one hand, and, on the other the following TX counties: Atascosa, Bandera, Bee, Brazoria, Brooks, Calhoun, Cameron, Colorado, Comal, DeWitt, Dimmitt, Ft. Bend, Frio, Gonzales, Guadalupe, Hayes, Hidalgo, Jackson, Jim Wells, Kendall, Kennedy, Kerr, Kleberg, Lavaca, Matagorda, Maverick, Medina, Nueces, San Patricio, Val Verde, Victoria, Webb, Wharton, Wilson, Zapata, and Zavala. Supporting shipper: E. J. Brach & Sons, 4656 W. Kinzie, Chicago, IL 60644.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 134387 (Sub-6-16TA), filed May 19, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd, Ste. 1800, Los Angeles, CA 90017. *Books*, from Logan, UT to San Diego, Los Angeles, Oakland, Fresno, Sacramento, San Jose & Stockton, CA; Portland, OR; and Seattle and Spokane, WA for 270 days. An underlying ETA seeks up to 120 days authority. Supporting shipper: Herff Jones, Division of Carnation Corp., 611 W. Columbia St. #7, Pasco, WA 99301.

MC 145054 (Sub-6-11TA), filed May 18, 1981. Applicant: COORS TRANSPORTATION COMPANY, 5101 York St., Denver, CO 80218. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. *Such commodities as are dealt in or used by wholesale and retail, discount, variety and department stores*,

between points in Pulaski County, AR on the one hand, and, on the other, points in the U.S. for 270 days. Supporting shipper: Target Stores, Inc., 800 Carnahan Drive, Maumelle, AR 72118.

MC 156056 (Sub-6-1TA), filed May 18, 1981. Applicant: DWIGHT S. and GLENN D. LEFNER, d.b.a. D & G EXPRESS, P.O. Box 804, Bethel, AK 99559. Representative: Dwight S. Lefner (same as applicant). *General commodities*, (except class A and B explosives, hazardous waste materials, commodities in bulk in tank type equipment) from Bethel, AK dock to any point accessible by road in Bethel for 270 days. Supporting shipper: Lower Kuskokwim School District, Box 305, Bethel, AK 99559.

MC 143570 (Sub-6-2TA), filed May 15, 1981. Applicant: D & G TRUCKING, INC., 4420 E. Overland Rd., Meridian, ID 83642. Representative: David E. Wishney, P.O.B. 837, Boise, ID 83701. (1) *Building materials and (2) floor coverings, and materials, equipment and supplies used in the installation, distribution and sale of #(2)*, between points in CA, CO, NV, OR, UT and WA on the one hand, and on the other, points in ID, WA and UT, for 270 days. There are 9 shippers. The statements may be examined at the office listed.

MC 147503 (Sub-6-1TA), filed May 18, 1981. Applicant: NORMAN H. DAHLSTEDT, d.b.a. DAHLSTEDT TRUCKING, 1306 Hwy. 237, Mt. Vernon, WA 98273. Representative: Norman H. Dahlstedt (same as applicant). *Fertilizer, Herbicides, Pesticides, Insecticides, and Potting Soils* except bulk in tank vehicles, in, from and between points in WA, OR, ID, MT, UT, and CA, for the accounts of Estech General Chemical and The Pax Co., for 270 days. An underlying ETA seek 120 days authority. Supporting shippers: Estech General Chemical, P.O. Box 206, Monroe, WA 98272; The Pax Co., c/o Wolfkill, P.O. Box 578, Monroe, WA 98272.

MC 56640 (Sub-6-10TA), filed May 18, 1981. Applicant: DELTA LINES, INC., P.O.B. 2081, Oakland, CA 94604. Representative: Kirk Wm. Horton (same as applicant). *General commodities* (except Classes A & B explosives, household goods as defined by the Commission, and commodities in bulk), serving Brookings and Harbor, OR as off-route points in connection with carrier's otherwise authorized regular route operations, for 270 days. Applicant intends to tack with its presently held authority. Supporting shipper: There are six (6) supporting shippers, whose statements may be examined at the regional office listed.

MC 156042 (Sub-6-1TA), filed May 18, 1981. Applicant: K & D ENTERPRISES, 2422 Highway 2 West, Kalispell, MT 59901. Representative: Kenneth P. Doty (same as applicant). (1) *lumber and wood products, agricultural, logging and construction equipment and machinery, new or used, and parts thereof, new or used, steel and metal products, and roofing and building materials, boats and yachts, both new and used, marine accessories, equipment and parts, and all recyclable materials*, from points in AZ, CA, ID, MT, NM, OR, and WA, to the adjacent (48) states to include all international boundaries, for 270 days; (2) *general commodities*, from points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TX, TN, VT, VA, WV, and WI, to the adjacent (48) states to include all international boundaries, for 270 days. Supporting shippers: Mor-Wood, Inc., Box 163, Columbia Falls, MT 59912; F. H. Stoltze Land & Lumber Co., Box 1429, Columbia Falls, MT 59912; Superior Buildings Co., 455 4th Ave., E.N., Columbia Falls, MT 59912; and Plum Creek Lumber Co., P.O.B. 160, Columbia Falls, MT 59912.

MC 152109 (Sub-6-5TA), filed May 18, 1981. Applicant: KAIBAB TRANSPORTATION, INC., P.O. Box 20506, Phoenix, AZ 85036. Representative: Michael F. Morrone, 1150 17th St. NW., Suite 1000, Washington, DC 20036. *Contract carrier, irregular routes: General commodities* (except classes A and B explosives and hazardous waste material) (A) from points in Los Angeles County, San Diego County, Orange County, San Bernardino County and Riverside County, CA to points in Maricopa County, Pima County and Yuma County, AZ; and (B) from points in El Paso County, TX to points in Maricopa County and Pima County, AZ under continuing contract with O'Malley Company, Inc., Phoenix, AZ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: O'Malley, Company, Inc., P.O. Box 10532, Phoenix, AZ 85064.

MC 156032 (Sub-6-1TA), filed May 18, 1981. Applicant: LEROY LEATHAM, d.b.a. ROY LEATHAM TRANSPORT, INC., 5217 S.W. Aldercrest Road, Milwaukie, OR 97222. Representative: John H. King, 50015 S.W. Coalman Road, Sandy, OR 97055. *Contract Carrier, Irregular Routes: (1) Lumber and Wood Products, and (2) Materials, Equipment and Supplies* used in the manufacture and distribution of commodities named in (1) above, between points in the U.S. for the account of Hampton Lumber Sales Co., for 270 days. Supporting

shipper: Hampton Lumber Sales Co., 9400 S.W. Barnes Road, Portland, OR 97225.

MC 150290 (Sub-6-4TA), filed May 14, 1981. Applicant: MIDLAND TRANSPORTATION CO., INC., 801 West Artesia Blvd., Compton, CA 90220. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. *Advertising display racks and stands, and materials and supplies used in the manufacture and sales thereof*, except in bulk between Newark, NJ, on the one hand, and, on the other, points in the U.S. except AK and HI on shipments originating or destined to Butler Industries Inc., Newark, NJ for 270 days. Supporting shipper: Butler Industries Inc., 637 Central Avenue, Newark, NJ 07107.

MC 138732 (Sub-6-9TA), filed May 18, 1981. Applicant: OSTERKAMP TRUCKING, INC., P.O. Box 5546, Orange, CA 92667. Representative: Michael R. Eggleton, 5 Crow Canyon Ct., Suite 200, San Ramon, CA 94583. *Containers, container ends and closures; commodities manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers and material, equipment and supplies used in the manufacture and distribution of containers, container ends and closures* from points in ID to points in UT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Boise Cascade Corporation, P.O. 7747, Boise, ID 83707.

MC 147042 (Sub-6-2TA), filed May 14, 1981. Applicant: SEARS TRUCKING, INC., 1760 South Anaheim Blvd., Anaheim, CA 92805. Representative: Robert Evans (same address as applicant). (1) *Paper cups and other paper articles*, (2) *Plastic cups and other articles*, (3) *Bakery goods*, from Los Angeles County, CA to Portland, OR; from Los Angeles County, CA to Phoenix, and Tucson, AZ, for 270 days, an underlying ETA seeks 120 days authority. Supporting shipper: Sweetheart Cup Corp., 2155 E. 7th St., Los Angeles, CA 90032.

MC 129480 (Sub-6-5TA), filed May 18, 1981. Applicant: TRI-LINE EXPRESSWAYS, LTD., P.O. Bag 1212, Stn. T, Calgary, Alberta, CD T2H 2J1. Representative: Richard S. Mandelson, Suite 1600 Lincoln Center, 1600 Lincoln St., Denver CO 80264. *Alumina oxide catalyst*, from Michigan City, IN, to the international boundary line between the U.S. and CD at Emerson, Manitoba, for 270 days, an underlying ETA seeks 120 days authority. Supporting shipper:

American Cyanamid Company, Burdan Avenue, Wayne, NJ 07470.

MC 151225 (Sub-6-7TA), filed May 19, 1981. Applicant: DON WARD, INC., 241 West 56th Ave., Denver, CO 80216. Representative: Steven E. Napper, 718-17th St., Suite 1700, Denver, CO 80202. *Uranium Liquor*, from Maybell, CO to Gas Hills, WY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Union Carbide Corporation, One California St., San Francisco, CA 94111.

MC 26396 (Sub-6-66TA), filed May 19, 1981. Applicant: THE WAGGONERS TRUCKING, P.O.B. 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O.B. 82028, Lincoln, NE 68501. *Lumber and building materials*, from Wichita, KS and points in its commercial zone to points in AR, MO, NE, OK and TX, for 270 days. Supporting shipper: Chandler Corporation, 3151 South West Street, Wichita, KS 67217.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-16207 Filed 5-29-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-101]

Certain Hot Air Corn Poppers and Components Thereof; Investigation

Correction

In FR Doc. 81-15280, on page 28043, in the middle column, the second paragraph from the end, the eighth line, remove the date "June 11, 1981," and insert in its place "20 days after the date of service of the complaint."

BILLING CODE 1505-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit No. 1 (ANO-1) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment modifies the ANO-1 Appendix A Technical Specifications

dealing with the reactor decay heat removal capability.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application dated October 31, 1980, as supplemented January 30, 1981, (2) Amendment No. 56 to License No. DPR-51, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of May 1981.

For the Nuclear Regulatory Commission,

John F. Stolz,

Chief, Operating Reactors Branch No. 4,
Division of Licensing.

[FR Doc. 81-16283 Filed 5-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-458 and 50-459]

Gulf States Utilities Co. (River Bend Station Units 1 and 2); Issuance of Director's Decision

On July 21, 1980, the Union of Concerned Scientists requested the U.S. Nuclear Regulatory Commission (NRC) to halt construction at the River Bend Station Units 1 and 2 of the Gulf States Utilities (GSU) Company. Allegations of questionable practices relevant to plant construction formed the basis for the request. Upon evaluation of the request and related information, I have determined not to grant the relief requested. Accordingly, the request for action under 10 CFR 2.206 is denied.

The reasons for this decision are stated fully in the "Director's Decision Under 10 CFR 2.206," which is available for public inspection in the Commission's public document room at 1717 H Street, NW, Washington, DC 20555. The decision is also available for inspection in the local public document rooms at the Audubon Library, West Feliciana Branch, Ferdinand Street, St. Francisville, Louisiana 70775 and at Louisiana State University, Government Documents Department, Baton Rouge, Louisiana 70803. A copy will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

As provided in 10 CFR 2.206(c), this Decision will become the final action of the agency twenty-five (25) days after issuance, unless the Commission on its motion institutes review of this action within that time.

Dated at Bethesda, Maryland, this 26 day of May 1981.

For the Nuclear Regulatory Commission,

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

[FR Doc. 81-16285 Filed 5-29-81; 8:45 am]

BILLING CODE 7590-01-M

[NUREG-0673]

Issuance and Availability "Guidelines for Confirmatory Inplant Tests of Safety Relief Valve Discharges for BWR Plants"

The Nuclear Regulatory Commission (NRC) staff has prepared a report entitled "Guidelines for Confirmatory Inplant Tests of Safety Relief Valve Discharges for BWR Plants" (NUREG-0673), dated April 1981. The report provides the staff's partial resolution of the NRC's Generic Technical Activity A-39, "Determination of Safety Relief Valve (SRV) Pool Dynamic Loads and Temperature Limits for BWR Containment." This is an "Unresolved Safety Issue" pursuant to Section 210 of the Energy Reorganization Act of 1974.

All BWR plants are equipped with safety/relief valves for overpressure protection of the reactor systems. Experience at operating plants demonstrates that the SRV discharge to the suppression pool causes substantial hydrodynamic loads on piping, equipment and containment structures. These loads result from rapid expulsion of the air that is initially in the SRV discharge line.

As a result of these concerns, the Mark I and Mark II owners formed groups to develop a program consisting

of both analytical and experimental tasks to support their SRV load application methods. These efforts have been incorporated with the LOCA-related pool dynamic program, Generic Technical Activities A-7 and A-8 for Mark I and Mark II containments. Results of the NRC staff evaluation of these issues and acceptance criteria have been reported in NUREG-0661 and NUREG-0487. For Mark III containments, a safety evaluation report and acceptance criteria were also established and issued on July 16, 1976 (GESSAR 238 Nuclear Island, Docket No. STN-50-447).

The acceptance criteria in NUREG-0763 are intended for generic application. Plants which have features that differ substantially from the data base used to establish the acceptance criteria will be required to perform inplant tests. Guidelines for formulating appropriate test matrices, establishing test procedures, selecting necessary instrumentation, and reporting test results are presented.

Copies of the report will be available after May, 1981. Copies will be sent directly to utilities, utility industry groups and associations and environmental and public interest groups. Other copies will be available for review at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C.; and the Commission's local public document rooms located in the vicinity of existing nuclear power plants. Addresses of these local public document rooms can be obtained by contacting the Chief, Local Public Document Rooms Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 492-7536.

Dated at Bethesda, Maryland, this 18th day of May, 1981.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

*Director, Division of Safety Technology,
Office of Nuclear Reactor Regulation.*

[FR Doc. 81-16284 Filed 5-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 59 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Company, which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The

amendment was effective on May 5, 1981.

The amendment revised Technical Specification 3.19 to allow for remote-manual operability of the breakers for the reactor coolant loop No. 2 isolation valves during the period between May 5 and May 9, 1981.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate finding as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 5, 1981, (2) Amendment No. 59 to License No. DPR-36, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of May, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

*Chief, Operating Reactors Branch No. 3,
Division of Licensing.*

[FR Doc. 81-16286 Filed 5-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-298]

Nebraska Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR-46, issued to Nebraska Public Power District (the licensee), which revised the Technical

Specifications for operation of the Cooper Nuclear Station, located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to: (1) permit operation of the facility during Cycle 7 with 112 new P8x8R fuel assemblies designed and fabricated by General Electric Company (GE) replacing an equivalent number of 7x7 and 8x8 irradiated fuel assemblies and (2) revise limits based on transient and accident analysis for Cycle 7 core loading which included use of the OLYN code for the analyses of overpressurization transients.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 5, 1981, (2) Amendment No. 70 to License No. DPR-46, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Auburn Public Library, 118-15th Street, Auburn, Nebraska 68305. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22d day of May 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

*Chief, Operating Reactors Branch No. 2,
Division of Licensing.*

[FR Doc. 81-16287 Filed 5-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 80-285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 59 to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1 located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment contains several changes, clarifications, and improvements in the operability and surveillance requirements for hydraulic snubbers and adds similar new requirements for mechanical snubbers.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 25, 1981, (2) Amendment No. 59 to License No. DPR-40, and (3) the Commission's related letter dated May 20, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of May, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3,
Division of Licensing.

[FR Doc. 81-16218 Filed 5-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensee), which revised the license for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment approves, and incorporates into the license, changes to the physical security plan.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filing dated September 30, 1980, as supplemented April 30, 1981, is being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure only in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 63 to License No. NPF-1 and (2) the Commission's related letter dated May 19, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the local public document room located at the Multnomah County

Library, Social Science and Science Department, 801 S.W. 10th Avenue, Portland, Oregon 97205. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of May, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3,
Division of Licensing.

[FR Doc. 81-16219 Filed 5-29-81; 8:45 am]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION**Withdrawal of Procedures Under Executive Order 12044**

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice.

SUMMARY: This notice withdraws the earlier notice of the Pension Benefit Guaranty Corporation ("PBGC") under Executive Order 12044. Because the Executive Order has been revoked, the statement previously published by the PBGC is no longer in effect.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Melanie Franco Nussdorf, Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, N.W., Washington, D.C. 20006, 202-254-4876.

SUPPLEMENTARY INFORMATION: On December 13, 1978, the PBGC published a statement of policy and procedures with regard to improving the quality of regulations as required by Executive Order 12044 (43 FR 58237). That statement set forth the PBGC's objectives for reviewing existing regulations and issuing new regulations.

On February 17, 1981, Executive Order 12291 was issued, revoking Executive Order 12044. Accordingly, the notice issued under Executive Order 12044 is no longer in effect. In the future, PBGC's regulations will be developed in accordance with the requirements of Executive Order 12291.

Issued at Washington, D.C., on this 28th day of May, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-16134 Filed 5-29-81; 8:45 am]

BILLING CODE 7708-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area # 1988]

Alabama; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that Mobile County and adjacent counties within the State of Alabama constitute a disaster area because of damage resulting from severe storms and flooding which occurred on May 5-6, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 13, 1981, and for economic injury until close of business on February 15, 1982, at:

Small Business Administration, District Office, 980 South 20th Street, Birmingham, Alabama 63205

or other locally announced locations. For recent changes in disaster loan eligibility, see 46 FR 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 26, 1981.

Michael Cardenas,
Administrator.

[FR Doc. 81-16276 Filed 5-29-81; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF STATE**Office of the Secretary**

[Public Notice CM-8/413]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting on June 30, 1981, of the Advisory Committee on International Investment, Technology, and Development. The Committee will meet from 9:00 a.m. to 4:30 p.m. The meeting will be held in the Loy Henderson Conference Room of the State Department, 2201 C Street, NW., Washington, D.C. 20520. The meeting will be open to the public.

The purpose of the meeting will be to review recent trends in international investment.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-2728.

Members of the public wishing to attend the meeting must contact Mr.

Lincoln's office in order to arrange entrance to the State Department building.

The Chairman will as time permits, entertain oral comments from members of the public attending the meeting.

Dated: May 21, 1981.

Philip T. Lincoln, Jr.,
Executive Secretary.

[FR Doc. 81-16219 Filed 5-29-81; 8:45 am]
BILLING CODE 4710-07-M

[Public Notice CM-8/412]**Advisory Committee on International Investment, Technology, and Development; Meeting**

The Department of State will hold a meeting on June 17, 1981, of the Working Group on International Data Flows of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 10:00 a.m. to noon. The meeting will be held in the Lecture Room of the National Academy of Sciences, 2101 Constitution Avenue, N.W., Washington, D.C. The meeting will be open to the public.

The purpose of the meeting will be to discuss the results of the OECD Workshop on the Vulnerability of Computerized Society (Siguenza, Spain May 19-21), preparations for the June meeting of the ICCP Experts Group, and preliminary preparations for the October Special Session Follow-up on the Privacy Guidelines.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-2728.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office in order to arrange entrance to the State Department building.

The Chairman of the Working Group, will as time permits, entertain oral comments from members of the public attending the meeting.

Dated: May 21, 1981.

Philip T. Lincoln, Jr.,
Executive Secretary.

[FR Doc. 81-16220 Filed 5-29-81; 8:45 am]
BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION**Coast Guard**

[CGD 81-042]

New York Vessel Traffic Service; Advisory Committee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 USC App. 1), notice is hereby given of a meeting of the New York Harbor Vessel Traffic Service Advisory Committee to be held on Wednesday, June 24, 1981, in the Conference Room, second floor, U.S. Coast Guard Marine Inspection Office, Battery Park Office, New York, New York, beginning at 9:30 a.m. The agenda for the meeting is as follows:

1. Discuss progress in completion of the New York Vessel Traffic Service.
2. Discussion of the Marine Traffic Engineering Manual for the Port of New York, including instruction in its use, and the role of the VTS Advisory Committee in the application of Marine Traffic Engineering concepts.

The New York Harbor Vessel Traffic Service Advisory Committee was established by the Commander, Third Coast Guard District to advise on the need for, and development, installation and operation of a Vessel Traffic Service for New York Harbor. Members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Attendance at this meeting is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

Additional information may be obtained from Captain D. J. Linde, Executive Director, New York Harbor Vessel Traffic Service Advisory Committee, U.S. Coast Guard, Governors Island, New York, NY 10004 or by calling (212) 668-7954.

Issued in New York, NY on May 15, 1981.

R. I. Price,
Vice Admiral, Coast Guard, Commander,
Third Coast Guard District.

[FR Doc. 81-16200 Filed 5-29-81; 8:45 am]
BILLING CODE 4910-14-M

Federal Aviation Administration

[Summary Notice No. PE-81-14]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I)

and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before June 22, 1981.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. _____, 800

Independence Avenue, SW.,
Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Edward P. Faberman,
Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
21736	Pacific Southwest Airlines (PSA)	14 CFR 121.291(a)(2)(i)	To permit PSA to increase the passenger-seating capacity of its B-727-200 airplanes from 163 to 175 passengers without first conducting a full-scale demonstration of emergency evacuation procedures.
21705	Texas International Airlines, Inc.	14 CFR 141.33(a)(3), 141.35 (d) and (e), 141.79(a), and 141.81(a).	To use chief flight and ground instructors and line flight and ground instructors for courses of training conducted under Part 141 when these instructors do not hold the required instructor certificates and/or do not have the required ground instruction experience in a certificated pilot school.
18109	Airborne Express, Inc.	14 CFR 121.371(a) and 121.378	To extend exemption 2581A which allows the functions specified in those sections to be completed for petitioner on their Caravelle SE-210-6R airplanes by foreign manufacturers and air repair agencies when the maintenance is performed outside the U.S.
20868	Texas International Airlines	14 CFR 121.391	To amend exemption 3138 which allows petitioner to use two flight attendants aboard its DC-9-30 airplanes configured with 115 passenger seats when 15 passenger seats are blocked from use when a third flight attendant becomes ill or injured and another cannot be made available. The petitioner requests that the limitation or condition, required in the previous exemption, be changed which only allows the operation with blocked seats due to mechanical irregularities where additional flight attendants cannot be replaced without more than a 2-hour delay or flight cancellation. Petitioner requests that a change be made to allow operation with blocked seats when a flight attendant cannot be replaced without undue delay or flight cancellation.
21573	Key Airlines	14 CFR 121.61(d)	To allow petitioner to employ Mr. Joseph D. Malogriano as their Chief Inspector although he does not have the 1 year of required experience as a maintenance inspector.
21632	California Amphibious Transport (CAT)	14 CFR Parts 91 and 135	To permit petitioner to conduct visual flight rule day operations under its Part 135 certificate in the uncontrolled airspace between Long Beach, Calif., and Pebbly Beach, Santa Catalina Island, Calif., with a minimum ceiling and visibility of 500 feet and 1 mile and when the ceiling is at or near 500 feet and the operation is conducted with a seaplane or amphibian down to a minimum overwater altitude of 300 feet above the surface. Relief was also requested for operations of CAT's Grumman airplanes without thunderstorm detection equipment over these same routes.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
21554	Caribbean Int'l Airlines, Inc.	14 CFR 135.171(a)	To allow petitioner to operate DC-3 airplanes without an approved shoulder harness installed for each flight crewmember station. <i>Granted 5/18/81.</i>
21358	Christopher J. Sidenwicz	14 CFR 61.151(a)	To permit petitioner to obtain an Airline Transport Pilot's Certificate before reaching his 23rd birthday. <i>Denied 5/20/81.</i>
21527	Trans World Airlines (TWA)	14 CFR 121.291(a)(2)	To permit TWA to increase the full-seating capacity of its B-727-100 airplanes from 102 to 116 passengers and to commence operation with a 116-passenger-seating capacity aircraft without first conducting a full-seating capacity emergency evacuation demonstration. <i>Granted 5/21/81.</i>
21549	Aerostar	14 CFR 121.291 (a)(1) and (b)	To permit petitioner to initially introduce B-727-25 airplanes into passenger-carrying operations without first conducting a full-seating capacity emergency evacuation and ditching demonstration. <i>Granted 5/21/81.</i>
21304	Ozark Air Lines, Inc.	14 CFR 121.291(a)	To permit petitioner to increase the seating capacity of its DC-9-30 series aircraft from 100 to 110 passenger seats without first conducting a full-seating capacity emergency evacuation demonstration. <i>Granted 5/20/81.</i>
21550	Western Airlines	14 CFR 121.291(a)(2)(i) and Appendix D of Part 121.	To allow petitioner to increase the seating capacity of its Boeing 727-247 aircraft from 146 passengers to 160 passengers without conducting a full emergency evacuation demonstration. <i>Granted 5/12/81.</i>

Dispositions of Petitions for Exemptions—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
21342	Pacific Southwest Airlines	14 CFR 61.39 (a)(1) and (b)	To permit certain PSA flight crewmembers to take the flight test for an airline transport pilot certificate (ATPC) although more than 24 months have elapsed since they passed the required written test for that certificate. <i>Granted 5/20/81.</i>
20006	Leo Tew	14 CFR 121.383(c)	To permit him to continue to serve as a pilot in air carrier operations after having reached his 60th birthday. <i>Denied 5/20/81.</i>

[FR Doc. 81-16327 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement:
Baltimore County, MarylandAGENCY: Federal Highway
Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement is being prepared for the proposed extension of Maryland Route 702 in Baltimore County, Maryland.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Terry, District Engineer, Federal Highway Administration, The Rotunda, Suite 220, 711 W. 40th Street, Baltimore, Maryland 21211. Telephone: 301/962-4010.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Maryland State Highway Administration is preparing an environmental impact statement on a proposal to extend Maryland Route 702 from its present terminus at Old Eastern Avenue to Back River Neck Road in the vicinity of Turkey Point Road, a distance of about two miles. This highway improvement is considered necessary to relieve the severe current and projected traffic congestion on Back River Neck Road and to provide for safer and more efficient traffic patterns in the Back River Neck Peninsula.

There are four alternative currently under consideration. The first alternative is the do nothing. The second alternative involves upgrading portions of Back River Neck Road. The third and fourth alternatives consist of building an extension of Maryland Route 702 on new location. Both extension alternatives consist of four lane divided highways with partial control of access. They differ in the location at which they tie into Back River Neck Road.

An environmental assessment has been prepared for this project. Input was received from various individuals, agencies and organizations in the preparation of the assessment. Copies of the completed environmental

assessment were distributed to these groups. A public hearing was held on December 11, 1980. No further formal scoping activities are planned; however, to ensure that all significant issues are addressed, comments are invited from all interested parties. Comments or questions should be addressed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: May 22, 1981.

Emil Elinsky

Division Administrator, Baltimore, Maryland.

[FR Doc. 81-15901 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement:
Bernalillo County, New MexicoAGENCY: Federal Highway
Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Bernalillo County, New Mexico.

FOR FURTHER INFORMATION CONTACT:

Dewey O. Lonsberry, District Engineer, Federal Highway Administration, 117 U.S. Courthouse, Santa Fe, New Mexico 87503, Telephone: (505) 988-6255;

Donald Lopic, Technical Services Engineer, New Mexico State Highway Department, P.O. Box 1149, Santa Fe, New Mexico 87503, Telephone: (505) 983-0554 or

James Milton, Transportation Planner, Transportation Department, City of Albuquerque, P.O. Box 1293, Albuquerque, New Mexico 87103, Telephone: (505) 766-4700.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New Mexico State Highway Department, will prepare an environmental impact statement (EIS) on a proposal to extend

Juan Tabo Boulevard south to Wagon Train Drive in Albuquerque, New Mexico. The new roadway, which is approximately 1.6 miles in length, begins at Wagon Train Drive in S.E., extends northward across the Tijeras Arroyo, and terminates at Juan Tabo Boulevard S.E., south of La Puerta Avenue. Improvements in the corridor are considered necessary to provide adequate capacity for existing and projected traffic demands, avert future congestion, and accommodate the in-fill development of approximately 900 acres of undeveloped land.

Alternatives under consideration include taking no action and three alternative four-lane routes connecting Wagon Train Drive S.E. to Juan Tabo Boulevard S.E.

No formal scoping meeting is planned at this time. A public hearing will be scheduled upon completion of the draft EIS. A public notice will be given of the time and place of the hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposal are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposal and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: May 21, 1981.

Dewey O. Lonsberry,
District Engineer, Santa Fe, New Mexico.

[FR Doc. 81-16006 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement:
Kosciusko County, IndianaAGENCY: Federal Highway
Administration (FHWA), DOT.

ACTION: Withdrawal of Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will not be prepared for the proposed railroad grade separation of the North-South Conrail tracks on the eastern edge of the central business district in Warsaw, Indiana.

FOR FURTHER INFORMATION CONTACT: Mr. John Breitwieser, Staff Environmental Specialist, Federal Highway Administration, 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana 46204, Telephone: 317/269-7481.

SUPPLEMENTARY INFORMATION: The FHWA Indiana Division issued a Notice of Intent, to prepare an EIS for the proposed railroad grade separation carrying the North-South Conrail tracks over Center Street on the eastern edge of the Warsaw central business district, on May 12, 1980 (45 FR 31248). FHWA is withdrawing that Notice at this time because the City of Warsaw, the project sponsor, has informed FHWA that it does not intend to continue any further discussion or consideration of the proposed railroad separation structure within the City of Warsaw at the present time because of the project impact on local businesses. A substitute project being proposed will retain the at-grade railroad crossing and provide for the widening of Center Street from Hickory Street to McKinley Street within the existing right-of-way. The revised project has been submitted as a Categorical Exclusion.

Questions concerning this proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, (Highway Research, Planning and Construction). The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and project apply to the program)

Issued on: May 22, 1981.

George D. Gibson, Jr.,
Division Administrator, Indianapolis,
Indiana.

[FR Doc. 81-16007 Filed 5-29-81; 8:45 am]

BILLING CODE 4910-22-M

VETERANS ADMINISTRATION**Lebanon National Cemetery, Lebanon, Ky.; Finding of No Significant Impact**

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the acquisition and development of approximately two (2) acres of land located adjacent to and south of the existing 2.8± acre Lebanon National Cemetery. This land is being donated by Marion (KY) Post No. 49, Inc., American Legion for the purpose of cemetery expansion. Development of the new acreage will involve minor grading, landscaping and seeding or sodding. From a maintenance standpoint, the new area will be served by the existing cemetery driveway since the land is adjacent to the south property line. At the projected internment rate (50 per year), this expansion will provide an additional 1,200 gravesites and extend the active life of the cemetery beyond the year 2000. The total development cost budgeted for this project is \$80,000, inclusive of contingencies, design services and inflation to the time of construction.

Since the project involves land donated to the VA by a non-government organization, no alternatives were available for consideration. The no-action alternative was not considered viable since the cemetery is scheduled to be closed to new internments in fiscal year 1982.

No impacts are expected as a result of the proposed cemetery expansion and land acquisition. The expansion of the existing 2.8± acre National Cemetery by an additional 2± acres (subject to

VA survey) involves only minor earthwork (grading) and landscaping and, therefore, no effects are anticipated. Findings conclude the proposed action will not cause any significant adverse effects on the physical and human environment and, therefore, does not require the preparation of an Environmental Impact Statement. The significance of the potential impacts has been evaluated relative to both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27). This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in the assessment.

Mitigation incorporated into the project development will include actions to avoid temporary air quality degradation due to construction and to limit soil erosion. Construction contract documents will include specifications to avoid adverse environmental effects.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C., (202-389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: May 22, 1981.

Rufus H. Wilson,
Acting Administrator.

[FR Doc. 81-16206 Filed 5-29-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 104

Monday, June 1, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 46, May 29, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., June 4, 1981.

PLACE: 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the agenda for the open meeting and will be added to the open meeting of May 29, 1981:

Geographical Restrictions on Remote Service Unit Operations

No. 494, May 28, 1981.

[S-846-81 Filed 5-28-81; 10:57 am]

BILLING CODE 6720-01-M

2

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., June 4, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the Public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 10118-5: Indefinite Extension of the Term of the Atlantic Steamship Energy Conservation Agreement.

2. Agreement No. 9978-15: Modification of the Associated North Atlantic Freight Conference Agreement to extend its term for an indefinite period.

3. Proposed Rule In Response to Interstate Commerce Commission's Final Rule in Ex Parte 230 (Sub 5).

Portions closed to the public:

1. Section 21 Order Report on Impact of the Pricing Policy of North Atlantic Carriers on U.S. Exporters.

2. Section 19 of the Merchant Marine Act; Activities of Foreign Governments Affecting Shipping.

3. Docket No. 80-69: Archie Pletzman V. American Maritime Association et al.—Appeal from Order of Dismissal.

CONTACT PERSON FOR MORE

INFORMATION: Joseph C. Polking, Acting Secretary (202) 523-5725.

[S-847-81 Filed 5-28-81; 10:43 am]

BILLING CODE 6730-01-M

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 2:30 p.m., May 28, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Closed

MATTER TO BE CONSIDERED: 1. Petition of Various Conferences under section 19 of the Merchant Marine Act, 1920, for relief from ruling of the Interstate Commerce Commission in Ex Parte 230 (Sub 5).

CONTACT PERSON FOR MORE

INFORMATION: Joseph C. Polking, Acting Secretary (202)-523-5725.

[S-848-81 Filed 5-28-81; 11:03 am]

BILLING CODE 6730-01-M

4

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 10 a.m., Wednesday, June 3, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Closed.

MATTER TO BE CONSIDERED: 1. Administration of Central Liquidity Facility discount note program. Closed pursuant to exemptions (4) and (9)(B).

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant; telephone (202) 357-1100.

[S-846-81 Filed 5-27-81; 5:06 pm]

BILLING CODE 7535-01-M

5

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM-81-19]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 27439, May 19, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:30 a.m., Friday, May 29, 1981.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Highway Accident Report—Illinois Central Gulf Railroad Freight Train/Mobil Oil Company Tractor Cargo Tank Semitrailer Grade Crossing Collision and Fire, Kenner, Louisiana, November 25, 1980, and Recommendations to the State of Louisiana, the City of Kenner, Louisiana, and the Illinois Central Gulf Railroad.

2. Pipeline Accident Report—Colonial Pipeline Company Petroleum Product Pipeline Failures, Manassas and Orange County, Virginia, March 6, 1980, and Recommendations to the Research and Special Programs Administration, the Colonial Pipeline Company, the American Petroleum Institute, and the American Gas Association.

3. Special Study Proposal—Major Marine Collisions and Effects of Preventive Recommendations.

CONTACT PERSON FOR MORE

INFORMATION: Sharon Flemming 202-382-6525.

May 28, 1981.

[S-854-81 Filed 5-28-81; 3:47 pm]

BILLING CODE 4910-58-M

6

NUCLEAR REGULATORY COMMISSION.

DATE: TUESDAY, JUNE 2 AND WEDNESDAY, JUNE 3, 1981.

PLACE: Commissioner's Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Tuesday, June 2:

10 a.m.

1. Briefing on 10 CFR 60, Disposal of High-Level Radioactive Wastes in Geologic Repositories: Technical Criteria (public meeting)

2 p.m.

1. Discussion of Revised Licensing Procedures (public meeting) (approximately 1½ hours)
2. Time Reserved for Discussion of Management-Organization and Internal Personnel Matters (closed meeting).

Wednesday, June 3:

10 a.m.

1. Discussion of Need for Power Rule (public meeting)

ADDITIONAL INFORMATION: Time Reserved for Discussion of Management-Organization and Internal Personnel Matters on May 27, 1981 at 2:30 p.m., Item 2.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

May 26, 1981.

Walter Magee,

Office of the Secretary.

[S-851-81 Filed 5-28-81; 2:06 pm]

BILLING CODE 7590-01-M

7

RAILROAD RETIREMENT BOARD.

TIME AND DATE: 10 a.m., June 8, 1981.

PLACE: Board's meeting room, eighth floor, headquarters building, 844 Rush Street, Chicago, Illinois, 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

(1) Suspension of submission of cases to OPM for Qualifications Review Board review.

(2) Appeal on computation of annuity, Lester L. Studer.

(3) Appeal of nonwaiver of overpayment, Sidney Coats.

Portion closed to the public:

(A) Appeal from referee's denial of disability annuity, Charles M. McCulloh.

(B) Appeal from referee's denial of disability annuity, Kenneth Bassett.

(C) Appeal from referee's denial of disability annuity, Al N. Moore.

(D) Appeal from referee's denial of disability annuity, Oscar W. Elliott.

(E) Appeal from referee's denial of claim for a "period of disability," Verl G. Jones.

(F) Appeal from referee's denial of disabled widow's annuity, Christine C. Peeler.

(G) Board's role in labor-management negotiations.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of

the Board, COM No. 312-751-4920, FTS No. 387-4920.

[S-853-81 Filed 5-28-81; 2:23 pm]

BILLING CODE 7905-01-M

8

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of June 1, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, June 2, 1981, at 9:30 a.m. and on Wednesday, June 3, 1981, at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Evans and Thomas determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, June 2, 1981, at 9:30 a.m., will be:

Report of investigation.

The subject matter of the closed meeting scheduled for Wednesday, June 3, 1981, at 2:30 p.m., will be:

Litigation matter.

Access to investigative files by Federal,

State, or Self-Regulatory authorities.

Freedom of Information Act appeals.

Formal order of investigation.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Mendelsohn at (202) 272-2091.

May 28, 1981.

[S-850-81 Filed 5-28-81; 1:29 pm]

BILLING CODE 8010-01-M

9

TENNESSEE VALLEY AUTHORITY. [Meeting No. 1267]

TIME AND DATE: 10:15 a.m. (e.s.t.), Thursday, June 4, 1981.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

Old Business Item

1. Final rate review.

New Business Items

A—Project Authorizations

1. Project Authorization No. 3563—Install a siren system within the 10-mile emergency planning zone at Browns Ferry Nuclear Plant.
2. Project Authorization No. 3564—Modifications for long-term torus integrity program at Browns Ferry Nuclear Plant.
3. Project Authorization No. 3549—Nonconvecting solar pond test and evaluation.

B—Purchase Awards

1. Req. No. 828798—Lower miter gate for Pickwick Landing.
2. Req. No. 829090—Installation of insulation at Johnsonville Fossil Plant.
3. Amendment to Contract Nos. 73C60-75210 and 75K60-84840-1 between TVA and General Electric Company covering additional design work for the Hartsville and Phipps Bend Nuclear Plants.

C—Power Items

1. Adoption of supplemental resolution authorizing 1981 Series C Power Bonds.
2. Resolution authorizing the Chairman and other Executive Officers to take further action relating to issuance and sale of 1981 Series C Power Bonds.
- *3. Agreement between Hunt-Wesson Foods, Inc., City of Memphis, Tennessee, and TVA covering the purchase, by TVA, of cogenerated power.
4. Standard-form agreements to amend existing Home Insulation and Heat Pump agreements with distributors.

D—Personnel Items

- *Change of status for Charles C. Mason from Acting Power Plant Superintendent, to Power Plant Superintendent, Watts Bar Nuclear Plant, Division of Nuclear Power, Office of Power, Spring City, Tennessee.
- 2. Filling of critical-sensitive position of Assistant General Manager by Frank R. Holland pending completion and evaluation of a full field security investigation.
- 3. Renewal of consulting contract with Stanley D. Wilson, Seattle, Washington, for services in connection with geotechnical and foundation engineering (requested by the Office of Engineering Design and Construction).
- 4. Renewal of personal services contract with CDI Corporation, Philadelphia, Pennsylvania, for engineering support services (requested by the Office of Engineering Design and Construction).
- 5. Amendment to personal services contract with Institute for Resource Management, Inc., Annapolis, Maryland,

*Items approved by individual Board members. This would give formal ratification to the Board's action.

for the services of health physics technicians at TVA nuclear plants (requested by the Office of Management Services).

6. Amendment to personal services contract with Wyle Laboratories, Huntsville, Alabama, for engineering and related services (requested by the Office of Power).

E—Real Property Transactions

1. Abandonment of deed covenant affecting approximately 0.3 acre of Chickamauga Reservoir land—Tract No. XCR-167.
2. Abandonment of easement rights affecting approximately 9.8 acres of Fort Loudoun Reservoir land located in Knox

County, Tennessee, Tract Nos. FL-1267F, FL-1268F, FL-1269F, and FL-1270F.

3. Designation of approximately 121.7 acres of land acquired for a steam plant site in Bell County, Kentucky, as surplus and for sale at public auction—Tract Nos. XPGSP-2, XPGSP-3, XPCSP-4, XPGSP-5, and XPGSP-6.
 4. Designation of approximately 121 acres of Kentucky Reservoir land in Humphreys County, Tennessee, as surplus and for sale at public auction for industrial purposes—Tract No. XGIR-901.
 5. Filing of condemnation suits.
- F—Unclassified**

1. Final TVA regulation under the Age Discrimination Act of 1975.
2. Delegation of authority to clarify, modify, and amend certain instruments conveying land to public entities and others under the TVA Act.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632-3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: May 28, 1981.

[S-652-81 Filed 5-29-81; 3:20 pm]

BILLING CODE 8120-01-M

federal register

**Monday
June 1, 1981**

Part II

Department of Transportation

**Research and Special Programs
Administration**

**Use of United Nations Shipping
Descriptions**

DEPARTMENT OF TRANSPORTATION

Research and Special Programs
Administration

49 CFR Part 172

[Docket No. HM-171; Amdt. No. 68]

Use of United Nations Shipping
Descriptions

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This document publishes a revised version of the Optional Hazardous Materials Table which appears in 49 CFR 172.102. The revision has been necessitated by a number of changes to the Inter-Governmental Maritime Consultative Organization (IMCO) International Maritime Dangerous Goods Code (IMCO Code) upon which the optional table is based. These amendments have been published by IMCO as Amendments 17-79 and 18-79 to the IMCO Code. The purpose of the revision of the Optional Hazardous Materials Table is to maintain alignment between that table and the corresponding provisions of the IMCO Code, in order to insure that the import and export of hazardous materials will not be adversely affected by potentially conflicting and duplicative requirements for the description, classification, labeling and marking of hazardous materials. Since the use of the Optional Hazardous Materials Table is, as the name implies, an option, this rule will

not impose an undue burden on persons affected by the regulations.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Edward A. Altemos (202-426-0656), Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590. Office hours are from 8:00 a.m. to 4:30 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the Optional Hazardous Materials Table is to facilitate the international transportation of hazardous materials and to minimize a duplicity of package marking and labeling requirements, and shipping paper descriptions, that would be required to comply with both domestic and international standards. In order to satisfy this intent, it is essential that the Optional Hazardous Materials Table be maintained in alignment with the provisions of the applicable international standards.

The Optional Hazardous Materials Table, in its present form, is reflective of the provisions of the IMCO Code including all amendments through Amendment 16-78. Recently, IMCO published Amendments 17-79 and 18-79 to the IMCO Code, and established June 1, 1981, as the world-wide implementation date for these amendments. Consequently, the MTB is revising the Optional Hazardous Materials Table to maintain the necessary alignment with the IMCO Code and is establishing June 1, 1981, as the effective date for revision of the table.

Amendments 17-79 and 18-79 to the IMCO Code include changes to or deletion of approximately 360 existing hazardous materials entries and the addition of approximately 260 new entries. Because of the optional nature of § 172.102, as well as the large number of changes necessitated by the recent IMCO amendments (many of which are minor in nature), the MTB does not consider it necessary to itemize each change being made to the Optional Hazardous Materials Table. However, to facilitate identification of new or modified entries, such entries have been identified by the inclusion of an asterisk (*) in Column (1) of the table. A copy of the amended optional table has been provided to the Association of American Railroads for use in their efforts to develop a hazardous materials table which consolidates the tables currently appearing in §§ 172.101 and 172.102.

Since this rule does not impose mandatory additional requirements, notice and procedure thereon are considered unnecessary.

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

In consideration of the foregoing, the Optional Hazardous Materials Table in § 172.102 of Title 49, Code of Federal Regulations, is revised to read as follows:

§ 172.102 Purpose and use of optional hazardous materials table for international shipments.

BILLING CODE 4910-60-M

172.102 Optional Hazardous Materials Table

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identi- fication Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
	Acetal	3.1	UN 1088	Flammable Liquid	II	1,3	5	Keep cool
	Acetaldehyde	3.1	UN 1089	Flammable Liquid	I	1,3	5	Keep cool
	Acetaldehyde oxime	3.3	UN 2332	Flammable Liquid	II	1,2	1,2	
*	Acetic acid solution containing not less than 80% of acid	3.3	UN 1842	Flammable Liquid, Corrosive	II	1,2	1,2	Stow 'separated from' oxidizers
*	Acetic anhydride	8	UN 1715	Corrosive, Flammable Liquid	II	1,2	1,2	Stow 'separated longitudinally by an inter- vening complete compartment or hold from' explosives. Segregation same as for flammable liquids
	Acetone	3.1	UN 1090	Flammable Liquid	II	1,3	5	
	Acetone cyanohydrin, stabilized	6.1	UN 1541	Poison	I	1	5	Shade from radiant heat. Stow 'away from' acids and alkalis
	Acetone oils	3.2	UN 1091	Flammable Liquid	II	1,2	1	
	Acetonitrile. See Methyl cyanide							
	Acetyl acetone peroxide, maximum concentration 40% in solution	5.2	UN 2080	Organic Peroxide	II	1	5	
	Acetyl benzoyl peroxide, maximum concentration 45% in solution	5.2	UN 2081	Organic Peroxide	II	1	5	
	Acetyl bromide	8	UN 1716	Corrosive	I	1	1	Keep dry. Glass carboys prohibited on pas- senger vessels
*	Acetyl chloride	3.2	UN 1717	Flammable Liquid, Corrosive	II	1,2	1	
*	Acetyl cyclohexane sulphonyl peroxide, maximum concentration 82%, wetted with minimum 12% water	5.2	UN 2082	Organic Peroxide	I	1	5	Control temperature -10 deg C. Emergency temperature 0 deg C
*	Acetyl cyclohexane sulphonyl peroxide, maximum concentration 32% in solution	5.2	UN 2083	Organic Peroxide	II	1	5	Control temperature -10 deg C. Emergency temperature 0 deg C
	Acetylene, dissolved	2.1	UN 1001	Flammable Gas	--	1	1	Shade from radiant heat. Stow 'separated from' chlorine
	Acetyl iodide	8	UN 1898	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on pas- senger vessels
	Acetyl methyl carbinol	3.3	UN 2621	Flammable Liquid	III	1,2	1,2	
*	Acetyl peroxide, maximum concentration 27% in solution	5.2	UN 2084	Organic Peroxide	II	1	5	Control temperature 20 deg C. Emergency temperature 25 deg C
	Acid mixtures, hydrofluoric and sulphuric	8	UN 1786	Corrosive	I	1	5	Stow 'away from' fluorides
	Acid mixtures, nitrating acid	8	UN 1796	Corrosive	I/II	1	5	Stow 'away from' fluorides
*	Acid mixtures, spent, nitrating acid	8	UN 1826	Corrosive	I/II	1	5	Stow 'away from' fluorides
	Acids, liquid, n.o.s. See Corrosive liquids, n.o.s.							
*	Acridine	4.1	UN 2713	Flammable Solid	III	1,2	1,2	
	Acrolein dimer, stabilized	3.3	UN 2607	Flammable Liquid	II	1,2	1,2	
	Acrolein, inhibited	3.1	UN 1092	Flammable Liquid, Poison	I	1,3	5	Keep cool
	Acrylamide	6.1	UN 2074	St. Andrews Cross	III	1,2	1,2	Shade from radiant heat. Keep cool
*	Acrylic acid, inhibited	8	UN 2218	Corrosive, Flammable Liquid	II	1	1	Shade from radiant heat. Keep cool. Glass carboys prohibited on passenger vessels
	Acrylonitrile, inhibited	3.1	UN 1093	Flammable Liquid, Poison	I	1,3	5	Keep cool
	Activated carbon. See Carbon, activated							
	Activated charcoal. See Carbon, activated							
	Adhesives, n.o.s. See Cement, adhesive, containing a flammable liquid							
	Adiponitrile	6.1	UN 2205	St. Andrews Cross	III	1,2	1,2	Shade from radiant heat
	Aerosol dispensers, with a capacity below 1400 cubic cm.							
	(1) more than 10% by weight of total contents consisting of flam- mable gas	2.1	UN 1950	Flammable Gas	--	1,3	1,3	
	(2) internal pressure greater than 160 psig at 130 deg F.	2.2	UN 1950	Nonflammable Gas	--	1,3	1,3	
	(3) more than 45% by weight of total contents consisting of flam- mable liquid. This limit is reduced to 35% if there is any flammable gas present.	3.1	UN 1950	Flammable Liquid	--	1,3	1,3	
		3.2	UN 1950	Flammable Liquid	--	1,3	1,3	
		3.3	UN 1950	Flammable Liquid	--	1,3	1,3	
	(4) more than 10% by weight of toxic substances in the liquid concentrate	6.1	UN 1950	Poison	I/II	1,3	1,3	
		6.1	UN 1950	St. Andrews Cross	III	1,3	1,3	
	(5) more than 5% by weight of corrosive substances in the liquid concentrate	8	UN 1950	Corrosive	--	1,3	1,3	
	(6) as specified under Group 2 on page 9011 of IMCO Code	9	UN 1950	None	--			
N	Aerosol dispensers, with a capacity of 1400 cubic cm. or more	2	UN 1950		--			
	Aerosols or aerosol product. See Aerosol dispensers							
	Agents, blasting, Type B. See Explosives, blasting, Type B							
	Agents, blasting, Type E. See Explosives, blasting, Type E							
	Air, compressed	2.2	UN 1002	Nonflammable Gas	--	1,2	1,2	
*	Air, refrigerated liquid	2.2	UN 1003	Nonflammable Gas, Oxidizer	--	1,3	1,3	Stow 'separated from' acetylene. Do not overstow
	Alarm devices, explosive	1.4 S	UN 0001	None. Package to be marked '1.4 S'	--	1,3	1,3	
*	Alcohols, (non-toxic), n.o.s.	3.1	UN 1987	Flammable Liquid	I/II	1,3	5	Keep cool
		3.2	UN 1987	Flammable Liquid	II	1,2	1	
		3.3	UN 1987	Flammable Liquid	II	1,2	1	
*	Alcohols, toxic, n.o.s.	3.1	UN 1986	Flammable Liquid, Poison	I/II	1,3	5	Keep cool
		3.2	UN 1986	Flammable Liquid, Poison	II	1,2	1	
		3.3	UN 1986	Flammable Liquid, Poison	II	1,2	1	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identi- fication Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
*	Aldehydes, (non-toxic), n.o.s.	3.1	UN 1989	Flammable Liquid	I/II	1,3	5	Keep cool
		3.2	UN 1989	Flammable Liquid	II	1,2	1	
		3.3	UN 1989	Flammable Liquid	II	1,2	1,2	
*	Aldehydes, toxic, n.o.s.	3.1	UN 1988	Flammable Liquid, Poison	I/II	1,3	5	Keep cool
		3.2	UN 1988	Flammable Liquid, Poison	II	1,2	1	
		3.3	UN 1988	Flammable Liquid, Poison	II	1,2	1,2	
*	Aldol	6.1	UN 2819	Poison	II	1,3	1,3	Keep cool. Shade from radiant heat. Stow 'away from' living quarters.
	Alkali metal amalgams, n.o.s.	4.3	UN 1389	Dangerous When Wet	I	1,2	1,2	
	Alkali metal amides, n.o.s.	4.3	UN 1390	Dangerous When Wet	II	1,2	5	
	Alkali metal dispersions, n.o.s. or Alkali earth metal dispersions, n.o.s.	4.3	UN 1391	Dangerous When Wet	I	1,2	5	
	Alkali metals, liquid alloys of	4.3	UN 1421	Dangerous When Wet	I	1,2	5	
	Alkaline caustic liquids, n.o.s. See Caustic alkali liquids, n.o.s.	8	UN 1760	Corrosive	II	1,2	1,2	
	Alkaline corrosive liquids, n.o.s.	4.3	UN 1382	Dangerous When Wet	I	1,2	1,2	
	Alkaline earth metal amalgams, n.o.s.	4.3	UN 1382	Dangerous When Wet	I	1,2	1,2	
	Alkaloids, n.o.s. or Alkaloid salts, n.o.s.	6.1	UN 1544	Poison	I/II	1,2	1,2	
		6.1	UN 1544	St. Andrews Cross	III	1,2	1,2	
	Alkanesulphonic acids	8	UN 1899	Corrosive	II	1,2	1	
	Alkylamines and polyamines, flashpoint below 23 deg C and boiling point above 35 deg C but not more than 200 deg C, n.o.s.	3.2	UN 2733	Flammable Liquid, Corrosive	II	1,2	1	
*	Alkylamines and polyamines, flashpoint 23 deg C or above, boiling point above 35 deg C but not more than 200 deg C, n.o.s.	8	UN 2734	Corrosive, Flammable Liquid (only if flashpoint 61 deg C or below)	II	1,2	1,2	If flashpoint 61 deg C or below, segregation same as for flammable liquids
*	Alkylamines and polyamines, flashpoint of 23 deg C or above and boiling point above 200 deg C, n.o.s.	8	UN 2735	Corrosive, Flammable Liquid (only if flashpoint 61 deg C or below)	III	1,2	1,2	If flashpoint 61 deg C or below, segregation same as for flammable liquids
	Alkyl, Aryl or Toluene sulphonic acid, liquid, containing more than 5% free sulphuric acid	8	UN 2584	Corrosive	II	1,2	1	Glass carboys not permitted under deck
	Alkyl, Aryl or Toluene sulphonic acid, liquid, containing not more than 5% free sulphuric acid	8	UN 2586	Corrosive	III	1,2	1	Glass carboys not permitted under-deck
	Alkyl, Aryl or Toluene sulphonic acid, solid, containing more than 5% free sulphuric acid	8	UN 2583	Corrosive	II	1,2	1,2	Keep dry
	Alkyl, Aryl or Toluene sulphonic acid, solid, containing not more than 5% free sulphuric acid	8	UN 2585	Corrosive	III	1,2	1,2	Keep dry
	Alkyl phenols, n.o.s.	6.1	UN 2430	St. Andrews Cross	III	1,2	1,2	
	Alloys of alkaline earth metals, (non-pyrophoric), n.o.s.	4.3	UN 1393	Dangerous When Wet	II	1,2	5	
	Allyl acetate	3.2	UN 2333	Flammable Liquid, Poison	II	1,3	5	Keep cool
	Allyl alcohol	3.2	UN 1098	Flammable Liquid, Poison	I	1,2	1	
	Allylamine	3.1	UN 2334	Flammable Liquid, Poison	I	1,3	5	Keep cool
*	Allyl bromide	3.2	UN 1099	Flammable Liquid, Poison	I	1,2	1	
	Allyl chloride	3.1	UN 1100	Flammable Liquid, Poison	I	1,3	5	Keep cool
	Allyl chlorocarbonate. See Allyl chloroformate							
*	Allyl chloroformate	8	UN 1722	Corrosive, Flammable Liquid	I	1	5	Keep dry. Stow 'separated longitudinally by an intervening complete compartment or hold from' explosives. Segregation same as for flammable liquids
	Allyl ethyl ether	3.2	UN 2335	Flammable Liquid, Poison	II	1,3	5	Keep cool
	Allyl formate	3.2	UN 2336	Flammable Liquid, Poison	I	1,3	5	Keep cool
	Allyl glycidyl ether	3.3	UN 2219	Flammable Liquid	III	1,2	1,2	
*	Allyl iodide	3.2	UN 1723	Flammable Liquid, Corrosive	I	1,2	1	
*	Allyl isothiocyanate, stabilized	6.1	UN 1545	Poison, Flammable Liquid	II	1	5	Shade from radiant heat. Stow 'away from' living quarters. Segregation same as for flammable liquids
*	Allyl trichlorosilane, stabilized	8	UN 1724	Corrosive, Flammable Liquid	II	1	1	Keep dry. Stow 'separated longitudinally by an intervening complete compartment or hold from' explosives. Segregation same as for flammable liquids
	Aluminium alkyl chlorides, pure	4.2	UN 2221	Spontaneously Combustible	I	1	1	
	Aluminium alkyl halides, in solution	4.2	UN 2220	Spontaneously Combustible	II	1	1	
	Aluminium alkyl halides, pure	4.2	UN 2221	Spontaneously Combustible	I	1	1	
	Aluminium alkyls	4.2	UN 2003	Spontaneously Combustible	I	1	1	
*	Aluminium bromide, anhydrous	8	UN 1725	Corrosive	II	1,2	1,2	Keep dry
	Aluminium carbide	4.3	UN 1394	Dangerous When Wet	II	1,2	1,2	
*	Aluminium chloride, anhydrous	8	UN 1726	Corrosive	II	1,2	1,2	Keep dry
	Aluminium ferrosilicon, powder	4.3	UN 1395	Dangerous When Wet	II	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identi- fication Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c) Other requirements
						Cargo vessel	Pass- enger vessel	
	Aluminum hydride	4.2	UN 2463	Spontaneously Combustible	I	1,2	5	
	Aluminum nitrate	5.1	UN 1438	Oxidizer	III	1,2	1,2	
*	Aluminum phosphide	4.3	UN 1397	Dangerous When Wet, Poison	I	1	5	
*	Aluminum powder, coated	4.1	UN 1309	Flammable Solid	III	1,2	1,2	Keep dry. Stow 'away from' liquid haloge- nated hydrocarbons
	Aluminum, powder, pyrophoric. See Pyrophoric metals							
*	Aluminum, powder, uncoated, non-pyrophoric	4.3	UN 1396	Dangerous When Wet	II	1,2	1,2	
	Aluminum silicon, powder, uncoated	4.3	UN 1398	Dangerous When Wet	III	1,2	1,2	
	Aluminum tributyl	4.2	UN 2003	Spontaneously Combustible	I	1	1	
	Aluminum triethyl	4.2	UN 1102	Spontaneously Combustible	I	1	1	
	Aluminum trimethyl	4.2	UN 1103	Spontaneously Combustible	I	1	1	
*	Aluminum bromide solution	8	UN 2580	Corrosive	III	1,2	1,2	
*	Aluminum chloride solution	8	UN 2581	Corrosive	III	1,2	1,2	
*	Aluminum resinate	4.1	UN 2715	Flammable Solid	III	1,2	1,2	
*	2-Amino-4-chlorophenol	6.1	UN 2673	Poison	II	1,2	1,2	
*	N-Aminoethylpiperazine	8	UN 2815	Corrosive	III	1,3	1,3	Keep cool
*	Aminophenols (o-, m-, p-)	6.1	UN 2512	St. Andrews Cross	III	1,2	1,2	
*	Amipopyridines	6.1	UN 2671	Poison	II	1,3	1	Keep cool. Stow 'away from' living quarters
*	Ammonia, anhydrous, liquefied, or ammonia solutions, density (specific gravity) less than 0.880 at 15 degrees C, in water, containing more than 50% ammonia.	2.3	UN 1005	Poison Gas	--	1,2	5	Stow 'separated from' chlorine. Stow 'away from' living quarters
*	Ammonia solutions, density (specific gravity) less than 0.880 at 15 degrees C, in water, containing more than 33% and not more than 50% ammonia.	2.2	UN 2073	Nonflammable Gas	--	1,2	5	Stow 'separated from' chlorine. Stow 'away from' living quarters
	Ammonia solutions having a density (specific gravity) between 0.880 and 0.937 at 15 deg C, in water, containing more than 10% and not more than 33% by weight ammonia.	8	UN 2672	Corrosive	III	1,2	1,2	Stow 'away from' living quarters
	Ammonium arsenate	6.1	UN 1546	Poison	II	1,2	1,2	Stow 'away from' alkalis
	Ammonium bifluoride. See Ammonium hydrogen fluoride							
	Ammonium dichromate	5.1	UN 1439	Oxidizer	II	1,2	1,2	Stow 'away from' foodstuffs
	Ammonium dinitro-o-cresolate	9	UN 1843	None	II	1,2	1,2	Stow 'away from' heavy metals, 'separated from' flammable substances and 'separated longitudinally by an intervening complete compartment or hold from' explosives
	Ammonium fluoride	6.1	UN 2505	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
*	Ammonium hydrogen fluoride, solid	8	UN 1727	Corrosive	II	1,2	1,2	Keep dry
*	Ammonium hydrogen fluoride, solution	8	UN 2817	Corrosive, Poison	II	1,2	1	
*	Ammonium hydrogen sulphate	8	UN 2506	Corrosive	II	1,2	1,2	Stow 'away from' strong alkalis
*	Ammonium metavanadate	6.1	UN 2859	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Ammonium nitrate, containing more than 0.2% by weight of combustible substances, including any organic substance calculated as carbon, to the exclusion of any other added substance	1.1 D	UN 0222	Explosive (1.1D)	--	1,2	1,2	
	Ammonium nitrate, containing not more than 0.2% of combustible material (including organic material calculated as carbon) and free from any other added matter	5.1	UN 1942	Oxidizer	III	1,2	1,2	
	Ammonium nitrate fertilizer, containing ammonium nitrate, n.o.s.	5.1	UN 2072	Oxidizer	III	1,2	1,2	
	Ammonium nitrate fertilizers, of the same composition as defined in class 5.1 on pages 5015 and 5016 of the IMCO Code but containing greater amounts of organic and/or combustible material than specified in these entries	1.1 D	UN 0223	Explosive (1.1D)	--	1,2	1,2	
	Ammonium nitrate fertilizers, Type A							
	(1) Uniform non-segregating mixtures of ammonium nitrate with added matter which is inorganic and chemically inert towards ammonium nitrate, containing not less than 90% of ammonium nitrate and not more than 0.2% of combustible material (including organic material calculated as carbon), or containing less than 90% but more than 70% of ammonium nitrate and not more than 0.4% of total combustible material	5.1	UN 2067	Oxidizer	III	1,2	1,2	
	(2) Uniform non-segregating mixtures of ammonium nitrate with calcium carbonate and/or dolomite, containing more than 80% but less than 90% of ammonium nitrate and not more than 0.4% of total combustible material	5.1	UN 2068	Oxidizer	III	1,2	1,2	
	(3) Uniform non-segregating mixtures of ammonium nitrate/ammonium sulphate, containing more than 45% but not more than 70% of ammonium nitrate and containing not more than 0.4% of total combustible material	5.1	UN 2069	Oxidizer	III	1,2	1,2	
	(4) Uniform non-segregating mixtures of nitrogen/phosphate or nitrogen/potash types or complete fertilizers of nitrogen/phosphate/potash type, containing more than 70% but less than 90% of ammonium nitrate and not more than 0.4% of total combustible material	5.1	UN 2070	Oxidizer	III	1,2	1,2	
	Ammonium nitrate fertilizers, Type B. Uniform non-segregating mixtures of nitrogen/phosphate or nitrogen/potash types or complete fertilizers of nitrogen/phosphate/potash type, containing not more than 70% of ammonium nitrate and not more than 0.4% of total added combustible material or containing not more than 45% of ammonium nitrate with unrestricted combustible material	9	UN 2071	None	III	1,2	1,2	
	Ammonium perchlorate	5.1	UN 1442	Oxidizer	II	1,2	5	Stow 'away from' powdered metals
*N	Ammonium perchlorate, average particle size less than 45 microns	1.1D	UN 0402	Explosive (1.1D)	--	--	--	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a) Cargo vessel	(b) Pas- senger vessel	(c) Other requirements
	Ammonium persulphate	5.1	UN 1444	Oxidizer	III	1,2	1,2	
N	Ammonium picrate, dry or containing, by weight, less than 10% water	1.1D	UN 0004	Explosive (1.1D)	--	--	--	
*	Ammonium picrate, wetted, with, by weight, at least 33 1/3 % water	4.1	UN 1310	Flammable Solid	I	1,2	5	Stow 'away from' heavy metals
*	Ammonium picrate, wetted, with, by weight, at least 10% water	4.1	UN 1310	Flammable Solid	I	1	5	Stow 'away from' heavy metals
*	Ammonium polysulphide, solution	8	UN 2818	Corrosive, Poison	II	1,3	1	Keep cool. Stow 'away from' acids
*	Ammonium polyvanadate	6.1	UN 2861	Poison	II	1,2	1,2	Stow 'away from' living quarters
*	Ammonium silicofluoride	6.1	UN 2854	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
*	Ammonium sulphide, solution	8	UN 2683	Corrosive, Poison, Flammable Liquid (only if flashpoint below 61 deg C)	II	1,3	1	Keep cool. Stow 'away from' all other cor- rosives. If flashpoint below 61 deg C, segro- gation same as for flammable liquids
	Ammunition, illuminating, with or without burster, expelling charge or propelling charge	1.4 G	UN 0297	Explosive (1.4G)	--	1,3	1,3	
N	Ammunition, illuminating, with or without burster, expelling charge or propelling charge	1.2G	UN 0171	Explosive (1.2G)	--	--	--	
N	Ammunition, illuminating, with or without burster, expelling charge or propelling charge	1.3G	UN 0254	Explosive (1.3G)	--	--	--	
N	Ammunition, incendiary, liquid or gel, with burster, expelling charge or propelling charge	1.3J	UN 0247	Explosive (1.3J)	--	--	--	
	Ammunition, incendiary (other than water-activated ammunition), without white phosphorus or phosphides, with or without burster, expelling charge or propelling charge	1.4 G	UN 0300	Explosive (1.4G)	--	1,3	1,3	
N	Ammunition, incendiary (other than water-activated ammunition), without white phosphorus or phosphides, with or without burster, expelling charge or propelling charge	1.2G	UN 0009	Explosive (1.2G)	--	--	--	
N	Ammunition, incendiary (other than water-activated ammunition), without white phosphorus or phosphides, with or without burster, expelling charge or propelling charge	1.3G	UN 0010	Explosive (1.3G)	--	--	--	
N	Ammunition, incendiary, white phosphorus, with burster, expelling charge or propelling charge	1.2H	UN 0243	Explosive (1.2H)	--	--	--	
N	Ammunition, incendiary, white phosphorus, with burster, expelling charge or propelling charge	1.3H	UN 0244	Explosive (1.3H)	--	--	--	
	Ammunition, practice	1.4G	UN 0362	Explosive (1.4G)	--	1,3	1,3	
	Ammunition, proof	1.4G	UN 0363	Explosive (1.4G)	--	1,3	1,3	
*N	Ammunition, smoke (other than water-activated ammunition) without white phosphorus or phosphides, with or without burster, expelling charge or propelling charge	1.2G	UN 0015	Explosive (1.2G), Corrosive	--	--	--	
*N	Ammunition, smoke (other than water-activated ammunition) without white phosphorus or phosphides, with or without burster, expelling charge or propelling charge	1.3G	UN 0016	Explosive (1.3G), Corrosive	--	--	--	
*N	Ammunition, smoke (other than water-activated ammunition) without white phosphorus or phosphides, with or without burster, expelling charge or propelling charge	1.4G	UN 0303	Explosive (1.4G), Corrosive	--	--	--	
N	Ammunition, smoke, white phosphorus (other than water-activated ammunition), with burster, expelling charge or propelling charge	1.2H	UN 0245	Explosive (1.2H)	--	--	--	
N	Ammunition, smoke, white phosphorus (other than water-activated ammunition), with burster, expelling charge or propelling charge	1.3H	UN 0246	Explosive (1.3H)	--	--	--	
	Ammunition, (tear producing), non-explosive, with neither burster nor expelling charge, non-fused	6.1	UN 2017	Poison	II	1,2	5	Keep dry
N	Ammunition, tear producing, with burster, expelling charge or propelling charge	1.2G	UN 0018	Explosive (1.2G), Poison, Corrosive	--	--	--	
N	Ammunition, tear producing, with burster, expelling charge or propelling charge	1.3G	UN 0019	Explosive (1.3G), Poison, Corrosive	--	--	--	
	Ammunition, tear-producing, with burster, expelling charge or propelling charge	1.4 G	UN 0301	Explosive (1.4G), Poison, Corrosive	--	1,3	1,3	
	Ammunition, (toxic), non-explosive, with neither burster nor expelling charge, non-fused	6.1	UN 2016	Poison	II	1,2	5	Keep dry
N	Ammunition, toxic (other than water-activated ammunition) with burster, expelling charge or propelling charge	1.2K	UN 0020	Explosive (1.2K), Poison	--	--	--	
N	Ammunition, toxic (other than water-activated ammunition) with burster, expelling charge or propelling charge	1.3K	UN 0021	Explosive (1.3K), Poison	--	--	--	
	Amorces	1.4 S	UN 0022	None. Package to be marked '1.4 S'	--	1,3	1,3	
	Amyl acetates	3.2	UN 1104	Flammable Liquid	II	1,2	1	
	Amyl acetates	3.3	UN 1104	Flammable Liquid	II	1,2	1,2	
*	Amyl acid phosphate	8	UN 2819	Corrosive	III	1,2	1,2	
	Amyl alcohols	3.2	UN 1105	Flammable Liquid	II	1,2	1	
	Amyl alcohols	3.3	UN 1105	Flammable Liquid	II	1,2	1,2	
	Amylamine	3.2	UN 1106	Flammable Liquid	II	1,2	1	
	Amyl chloride	3.2	UN 1107	Flammable Liquid	II	1,2	1	
*	n-Amylene	3.1	UN 1108	Flammable Liquid	I	1,3	5	Keep cool
	Amyl formates	3.3	UN 1109	Flammable Liquid	II	1,2	1,2	
	Amyl hydride. See Pentane							
	Amyl mercaptan	3.2	UN 1111	Flammable Liquid	II	1,2	1	
	Amyl methyl ketone	3.3	UN 1110	Flammable Liquid	III	1,2	1,2	
	Amyl nitrate	3.3	UN 1112	Flammable Liquid	II	1,3	5	
*	Amyl nitrite	3.1	UN 1113	Flammable Liquid	II	1,3	5	Keep cool
*	tert-Amyl peroxy-2-ethylhexanoate, technical pure	5.2	UN 2898	Organic Peroxide	II	1	5	Control temperature 20 deg C. Emergency temperature 25 deg C
*	tert-Amyl peroxyneodecanoate with at least 25% phlegmatizer	5.2	UN 2891	Organic Peroxide	II	1	5	Control temperature 0 deg C. Emergency temperature 10 deg C

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Storage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
	Amyl trichlorosilane	8	UN 1728	Corrosive	II	1	1	Keep dry. Stow separated longitudinally by an intervening complete compartment or hold from explosives
	Aniline	6.1	UN 1547	Poison	II	1,2	1,2	Stow 'away from' acids and oxidizers
	Aniline hydrochloride	6.1	UN 1548	St. Andrews Cross	III	1,2	1,2	Stow 'away from' alkalis
	Aniline oil. See Aniline							
	o-Anisidine	6.1	UN 2431	St. Andrews Cross	III	1,2	1,2	
	Anisole	3.3	UN 2222	Flammable Liquid	III	1,2	1,2	
	Anisoyl chloride	8	UN 1729	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on passenger vessels
	Anti-freeze. See Flammable liquid preparations, n.o.s.							
	Antimony chloride. See Antimony trichloride, liquid or solid							
*	Antimony compounds, inorganic, n.o.s.	6.1	UN 1549	Poison	I/II	1,2	1,2	
		6.1	UN 1549	St. Andrews Cross	III	1,2	1,2	
	Antimony lactate	6.1	UN 1550	St. Andrews Cross	III	1,2	1,2	
	Antimony pentachloride, liquid	8	UN 1730	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on passenger vessels
	Antimony pentachloride, solutions	8	UN 1731	Corrosive	II	1	1	Glass carboys prohibited on passenger vessels
	Antimony pentafluoride	8	UN 1732	Corrosive, Poison	II	1	5	Keep dry
	Antimony potassium tartrate	6.1	UN 1551	St. Andrews Cross	III	1,2	1,2	
	Antimony powder	6.1	UN 2871	St. Andrews Cross	III	1,2	1,2	
	Antimony trichloride, liquid	8	UN 1733	Corrosive	II	1	1	Keep dry
	Antimony trichloride, solid	8	UN 1733	Corrosive	II	1,2	1,2	Keep dry
	Argon, compressed	2.2	UN 1006	Nonflammable Gas	-	1,3	1,3	
*	Argon, refrigerated liquid	2.2	UN 1951	Nonflammable Gas	-	1,3	1,3	
*	Arsenic acid, liquid	6.1	UN 1553	Poison	I	1,2	1,2	
*	Arsenic acid, solid	6.1	UN 1554	Poison	II	1,2	1,2	
	Arsenical dust	6.1	UN 1562	Poison	II	1,2	1,2	
	Arsenical flue dust. See Arsenical dust							
*	Arsenical pesticides, liquid, n.o.s.	6.1	UN 2759	Poison	I	1	1	
		6.1	UN 2759	Poison	II	1,2	1	
		6.1	UN 2759	St. Andrews Cross	III	1,2	1,2	
*	Arsenical pesticides, liquid, n.o.s., flashpoint between 23 deg C and 61 deg C	6.1	UN 2759	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2759	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2759	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
*	Arsenical pesticides, n.o.s., flashpoint below 23 deg C	3.2	UN 2760	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
*	Arsenical pesticides, solid, n.o.s.	6.1	UN 2759	Poison	I/II	1,2	1,2	
		6.1	UN 2759	St. Andrews Cross	III	1,2	1,2	
	Arsenic bromide	6.1	UN 1555	Poison	II	1,2	1,2	
	Arsenic chloride. See Arsenic trichloride							
*	Arsenic compounds, liquid, n.o.s.	6.1	UN 1556	Poison	I/II	1,2	1,2	
		6.1	UN 1556	St. Andrews Cross	III	1,2	1,2	
*	Arsenic compounds, solid, n.o.s.	6.1	UN 1557	Poison	I/II	1,2	1,2	Keep dry.
		6.1	UN 1557	St. Andrews Cross	III	1,2	1,2	Keep dry.
	Arsenic, metallic	6.1	UN 1558	Poison	II	1,2	1,2	
	Arsenic pentoxide	6.1	UN 1559	Poison	II	1,2	1,2	
	Arsenic sulphides, (solid), n.o.s. See Arsenic compounds, (solid), n.o.s.							
	Arsenic trichloride	6.1	UN 1560	Poison	I	1,2	1,2	
	Arsenic trioxide	6.1	UN 1561	Poison	II	1,2	1,2	
	Arsine	2.3	UN 2188	Poison Gas, Flammable Gas	-	1	5	Stow 'away from' living quarters
	Articles, explosive, n.o.s.	1.4B	UN 0350	Explosive (1.4B)	-	1,3	1,3	
	Articles, explosive, n.o.s.	1.4C	UN 0351	Explosive (1.4C)	-	1,3	1,3	
	Articles, explosive, n.o.s.	1.4D	UN 0352	Explosive (1.4D)	-	1,3	1,3	
	Articles, explosive, n.o.s.	1.4G	UN 0353	Explosive (1.4G)	-	1,3	1,3	
	Articles, explosive, n.o.s.	1.4S	UN 0349	None. Package to be marked '1.4S'	-	1,3	1,3	
N	Articles, explosive, n.o.s.	1.1L	UN 0354	Explosive (1.1L)	-	-	-	
N	Articles, explosive, n.o.s.	1.2L	UN 0355	Explosive (1.2L)	-	-	-	
N	Articles, explosive, n.o.s.	1.3L	UN 0356	Explosive (1.3L)	-	-	-	
N	Articles, pyrophoric	1.2L	UN 0380	Explosive (1.2L)	-	-	-	
	Asbestos, blue	9	UN 2212	None	II	1,2	1,2	
	Asbestos, white	9	UN 2590	None	III	1,2	1,2	
	Asphalt cut-backs. See Cut-backs, asphalt or bitumen							
	Bags, (empty and unwashed), having contained Potassium nitrate or sodium nitrate	4.1	UN 1359	Flammable Solid	III	1,2	5	
*	Barium alloys, non-pyrophoric	4.3	UN 1399	Dangerous When Wet	II	1,2	5	
*	Barium alloys, pyrophoric	4.2	UN 1854	Spontaneously Combustible	II	1	5	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
N	Barium azide, <i>dry or containing, by weight, less than 50% water or alcohol</i>	1.1A	UN 0224	Explosive (I.1A), Poison	--	--	--	
	• Barium azide, <i>wetted with, by weight, at least 50% water</i>	4.1	UN 1571	Flammable Solid, Poison	I	1	5	Stow 'away from' heavy metals
	• Barium bromate	5.1	UN 2719	Oxidizer, Poison	II	1,2	1,2	Stow 'separated from' ammonium compounds and 'away from' finely powdered metals and foodstuffs
	Barium chlorate	5.1	UN 1445	Oxidizer, Poison	II	1,2	1,2	Stow 'away from' foodstuffs and powdered metals, 'separated from' Ammonium compounds
	Barium compounds, n.o.s.	6.1	UN 1564	Poison	I/II	1,2	1,2	
		6.1	UN 1564	St. Andrews Cross	III	1,2	1,2	
	Barium cyanide	6.1	UN 1565	Poison	I	1,2	1,2	Stow 'away from' acids
	• Barium hypochlorite, <i>containing more than 22% available chlorine</i>	5.1	UN 2741	Oxidizer, Poison	II	1,2	1,2	Stow 'away from' foodstuffs
	Barium, <i>metal, non-pyrophoric</i>	4.3	UN 1400	Dangerous When Wet	II	1,2	5	
	Barium nitrate	5.1	UN 1446	Oxidizer, Poison	II	1,2	1,2	Stow 'away from' foodstuffs
	Barium oxide	6.1	UN 1884	St. Andrews Cross	III	1,2	1,2	
	Barium perchlorate	5.1	UN 1447	Oxidizer, Poison	II	1,2	1,2	Stow 'away from' powdered metals and foodstuffs
	Barium permanganate	5.1	UN 1448	Oxidizer, Poison	II	1,2	1,2	Stow 'away from' foodstuffs and 'separated from' ammonium compounds and hydrogen peroxide
	Barium peroxide	5.1	UN 1449	Oxidizer, Poison	II	1,2	1,2	Keep dry. Stow 'away from' foodstuffs
	• Batteries, wet, filled with acid, <i>electric, storage</i>	8	UN 2794	Corrosive	III	1,2	1,2	
	• Batteries, wet, filled with alkali, <i>electric, storage</i>	8	UN 2795	Corrosive	III	1,2	1,2	
	• Batteries, wet, non-spillable, <i>electric, storage</i>	8	UN 2800	Corrosive	III	1,2	1,2	
	• Battery fluid, acid	8	UN 2796	Corrosive	II	1,2	1,2	Glass carboys in hampers prohibited under deck
	• Battery fluid, alkali	8	UN 2797	Corrosive	II	1,2	1,2	
	Benzene	3.2	UN 1114	Flammable Liquid	II	1,2	1	
	• Benzene sulphonyl chloride	8	UN 2225	Corrosive	III	1,2	1,2	
	Benzidine	6.1	UN 1885	Poison	II	1,2	1,2	
	• Benzine	3.1	UN 1115	Flammable Liquid	II	1,3	5	Keep cool
		3.2	UN 1115	Flammable Liquid	II	1,2	1	
		3.3	UN 1115	Flammable Liquid	II	1,2	1,2	
	• Benzoic derivative pesticides, <i>liquid, n.o.s.</i>	6.1	UN 2769	Poison	I	1	1	
		6.1	UN 2769	Poison	II	1,2	1	
		6.1	UN 2769	St. Andrews Cross	III	1,2	1,2	
	• Benzoic derivative pesticides, <i>liquid, n.o.s., flashpoint between 23 deg C and 61 deg C</i>	6.1	UN 2769	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2769	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2769	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
	• Benzoic derivative pesticides, <i>n.o.s., flashpoint below 23 deg C</i>	3.2	UN 2770	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
	• Benzoic derivative pesticides, <i>solid, n.o.s.</i>	6.1	UN 2769	Poison	I/II	1,2	1,2	
		6.1	UN 2769	St. Andrews Cross	III	1,2	1,2	
	Benzonitrile	6.1	UN 2224	Poison	II	1,2	1,2	Stow 'away from' acids
	Benzotrifluoride	8	UN 2226	Corrosive	II	1,2	1,2	Stow 'away from' living quarters
	Benzotrifluoride	3.2	UN 2338	Flammable Liquid	II	1,2	1	
	Benzoyl chloride	8	UN 1736	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on passenger vessels
	• Benzoyl peroxide, <i>in a concentration of more than 77% but less than 95% with water</i>	5.2	UN 2088	Organic Peroxide	I	1	5	
	Benzoyl peroxide, <i>in a concentration of more than 72% but less than 95% as a paste</i>	5.2	UN 2086	Organic Peroxide	I	1	5	
	Benzoyl peroxide, <i>in a concentration of not more than 72% as a paste</i>	5.2	UN 2087	Organic Peroxide	II	1	5	
	• Benzoyl peroxide, <i>in a concentration of not more than 77% with water</i>	5.2	UN 2090	Organic Peroxide	II	1	5	
	Benzoyl peroxide, <i>in concentrations from 30% to maximum 52% with inert solid</i>	5.2	UN 2089	Organic Peroxide	II	1	5	
	Benzoyl peroxide, <i>technical pure or in a concentration of more than 52% with inert solid</i>	5.2	UN 2085	Organic Peroxide	I	1	5	
	Benzyl bromide	8	UN 1737	Corrosive	II	1	5	Keep dry
	Benzyl chloride	8	UN 1738	Corrosive	II	1	5	Keep dry. Stow 'separated longitudinally by an intervening complete compartment or hold from' explosives
	Benzyl chloroformate	8	UN 1739	Corrosive	I	1	5	Keep dry
	Benzyl dimethylamine	3.3	UN 2619	Flammable Liquid	III	1,2	1,2	
	Benzylidene chloride	6.1	UN 1886	Poison	II	1	5	
	• Benzyl iodide	6.1	UN 2653	Poison	II	1,3	1	Keep cool. Stow 'away from' living quarters
	Beryllium compounds	6.1	UN 1566	Poison	II	1,2	1,2	
	Beryllium, <i>metal powder</i>	6.1	UN 1567	Poison, Flammable Solid	II	1,2	1,2	Segregation same as for flammable solids

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
	Beryllium nitrate	5.1	UN 2464	Oxidizer, Poison	II	1,2	1,2	Keep cool. If packaged in a liner within a wooden barrel, fiber drum or plywood drum or in plastic bags within a fiberboard box, stow 'away from' sources of heat
	Bhusa	4.1	UN 1327	None	III	1,2	1,2	Stow 'away from' animal or vegetable oils
	Bifluorides, n.o.s.	8	UN 1740	Corrosive	II	1,2	1,2	Keep dry
	Bipyridilium pesticides, liquid, n.o.s.	6.1	UN 2781	Poison	I	1	1	
		6.1	UN 2781	Poison	II	1,2	1	
		6.1	UN 2781	St. Andrews Cross	III	1,2	1,2	
	Bipyridilium pesticides, liquid, n.o.s., flashpoint between 23 deg C and 61 deg C	6.1	UN 2781	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2781	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2781	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
	Bipyridilium pesticides, n.o.s., flashpoint below 23 deg C	3.2	UN 2782	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
	Bipyridilium pesticides, solid, n.o.s.	6.1	UN 2781	Poison	I/II	1,2	1,2	
		6.1	UN 2781	St. Andrews Cross	III	1,2	1,2	
	Bis-(4-tert-butylcyclohexyl) peroxydicarbonate, maximum concentration 42%, stable dispersion in water	5.2	UN 2894	Organic Peroxide	II	1	5	Control temperature 25 deg C. Emergency temperature 30 deg C
	Bis-(4-tert-butylcyclohexyl) peroxydicarbonate, technical pure	5.2	UN 2154	Organic Peroxide	II	1	5	Control temperature 30 deg C. Emergency temperature 35 deg C
	2,2-Bis-(tert-butylperoxy) butane, maximum concentration 55% in solution	5.2	UN 2111	Organic Peroxide	II	1	5	
	1,1-Bis-(tert-butylperoxy) cyclohexane, maximum concentration 77% in solution	5.2	UN 2180	Organic Peroxide	II	1	5	
	1,2-Bis-(tert-butylperoxy) cyclohexane, maximum concentration 77% in solution	5.2	UN 2181	Organic Peroxide	II	1	5	
	1,1-Bis-(tert-butylperoxy) cyclohexane, technical pure	5.2	UN 2179	Organic Peroxide	II	1	5	
	1,1-Bis-(tert-butylperoxy) cyclohexane with at least 13% phlegmatizer and 47% inert inorganic solid	5.2	UN 2885	Organic Peroxide	II	1	5	
	1,1-Bis-(tert-butylperoxy) cyclohexane with at least 50% phlegmatizer	5.2	UN 2897	Organic Peroxide	II	1	5	
	1,4-Bis-(2-tert-butylperoxy isopropyl) benzene, or 1,3-bis-(2-tert-butylperoxy isopropyl) benzene, and mixtures thereof, (including technical pure or in a concentration of more than 40% with inert solid)	5.2	UN 2112	Organic Peroxide	II	1	5	
	2,2-Bis-(tert-butylperoxy) propane, with at least 50% phlegmatizer	5.2	UN 2883	Organic Peroxide	II	1	5	
	2,2-Bis-(tert-butylperoxy) propane, with at least 13% phlegmatizer and 47% inert inorganic solid	5.2	UN 2884	Organic Peroxide	II	1	5	
	1,1-Bis-(tert-butylperoxy)-3,3,5-trimethyl cyclohexane, technical pure	5.2	UN 2145	Organic Peroxide	II	1	5	
	1,1-Bis-(tert-butylperoxy)-3,3,5-trimethyl cyclohexane, maximum concentration 57% in solvent	5.2	UN 2146	Organic Peroxide	II	1	5	
	1,1-Bis-(tert-butylperoxy)-3,3,5-trimethyl cyclohexane, maximum concentration 58% with inert solid	5.2	UN 2147	Organic Peroxide	II	1	5	
	2,2-Bis-(4,4-di-tert-butylperoxy cyclohexyl) propane, maximum concentration 42% with inert solid	5.2	UN 2168	Organic Peroxide	II	1	5	
	1,2-Bis-(dimethylamino)-ethane	3.2	UN 2372	Flammable Liquid	II	1,2	1	
	Bis-(1-hydroxy cyclohexyl) peroxide, technical pure	5.2	UN 2148	Organic Peroxide	II	1	5	
	Bisotridecyl peroxidicarbonate, technical pure	5.2	UN 2889	Organic Peroxide	II	1	5	Control temperature -10 deg C. Emergency temperature 0 deg C
	Bis-(2-methylbenzoyl)peroxide, with at least 15% water	5.2	UN 2593	Organic Peroxide	I	1	5	Control temperature 30 deg C. Emergency temperature 35 deg C
	Bis-(3,5,5-trimethyl-1,2-dioxolanyl-3)peroxide, as a paste with at least 50% phlegmatizer	5.2	UN 2597	Organic Peroxide	II	1	5	Control temperature 30 deg C. Emergency temperature 35 deg C
	Bis-(3,5,5-trimethylhexanoyl)peroxide, technical pure or in solution	5.2	UN 2128	Organic Peroxide	II	1	5	Control temperature 0 deg C. Emergency temperature 10 deg C
	Bisulphites, inorganic, aqueous solution, n.o.s.	8	UN 2693	Corrosive	III	1,2	1,2	Stow 'away from' all other corrosive substances. Glass carboys prohibited on passenger vessels
N	Black powder, compressed	1.1D	UN 0028	Explosive (1.1D)	--	--	--	
N	Black powder, granular or as meal	1.1D	UN 0027	Explosive (1.1D)	--	--	--	
	Blasting cap assemblies, non-electric	1.4B	UN 0361	Explosive (1.4B)	--	1,3	1,3	
N	Blasting cap assemblies, non-electric	1.1B	UN 0360	Explosive (1.1B)	--	--	--	
	Blasting caps, electric	1.4B	UN 0255	Explosive (1.4B)	--	1,2	5	Portable magazine or metal locker. Do not handle blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded
N	Blasting caps, electric	1.1B	UN 0030	Explosive (1.1B)	--	--	--	
	Blasting caps, non-electric	1.4B	UN 0267	Explosive (1.4B)	--	1,2	5	Portable magazine or metal locker. Do not handle blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded
N	Blasting caps, non-electric	1.1B	UN 0029	Explosive (1.1B)	--	--	--	
	Bleaching powder. See Calcium hypochlorite mixtures, dry, containing 39% or less, but more than 10% available chlorine							
	Blue asbestos. See Asbestos, blue							
*N	Bombs, containing flammable liquid, with bursting charge	1.1J	UN 0399	Explosive (1.1J)	--	--	--	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
*N	Bombs, containing flammable liquid, with bursting charge	1.2J	UN 0400	Explosive (1.2J)	--	--	--	
N	Bombs, photo-flash	1.1D	UN 0038	Explosive (1.1D)	--	--	--	
N	Bombs, photo-flash	1.1F	UN 0037	Explosive (1.1F)	--	--	--	
N	Bombs, photo-flash	1.2G	UN 0039	Explosive (1.2G)	--	--	--	
N	Bombs, photo-flash	1.3G	UN 0299	Explosive (1.3G)	--	--	--	
	Bombs, smoke, containing a corrosive liquid, non-explosive, without initiating device	8	UN 2028	Corrosive	II	1,2	5	Keep dry. Stow 'away from' living quarters
N	Bombs, with bursting charge	1.1D	UN 0034	Explosive (1.1D)	--	--	--	
N	Bombs, with bursting charge	1.2D	UN 0035	Explosive (1.2D)	--	--	--	
N	Bombs, with bursting charge	1.1F	UN 0033	Explosive (1.1F)	--	--	--	
N	Bombs, with bursting charge	1.2F	UN 0291	Explosive (1.2F)	--	--	--	
N	Boosters, with detonator	1.1B	UN 0225	Explosive (1.1B)	--	--	--	
N	Boosters, with detonator	1.2B	UN 0268	Explosive (1.2B)	--	--	--	
N	Boosters, without detonator	1.1D	UN 0042	Explosive (1.1D)	--	--	--	
N	Boosters, without detonator	1.2D	UN 0283	Explosive (1.2D)	--	--	--	
	Borate and chlorate, mixtures	5.1	UN 1458	Oxidizer	II	1,2	5	Stow 'away from' powdered metals and 'separated from' ammonium compounds
	Borneol	4.1	UN 1312	None. Package to be marked 'Class 4.1'	III	1,2	1,2	
*	Boron tribromide	8	UN 2692	Corrosive	I	1	1	Keep cool and dry. Stow 'away from' foodstuffs
	Boron trichloride	2.3	UN 1741	Poison Gas, Corrosive	--	1	5	Shade from radiant heat. Stow 'away from' foodstuffs and living quarters
	Boron trifluoride	2.3	UN 1008	Poison Gas	--	1	5	Stow 'away from' foodstuffs and living quarters
	Boron trifluoride acetic acid complex	8	UN 1742	Corrosive	II	1,2	1,2	
*	Boron trifluoride diethyletherate	3.2	UN 2604	Flammable Liquid, Corrosive	II	1,2	1	
*	Boron trifluoride diethyl etherate	8	UN 2604	Corrosive, Flammable Liquid (only if flashpoint between 23 and 61 deg C)	II	1,2	1	If flashpoint between 23 and 61 deg C, segregation same as for flammable liquids
*	Boron trifluoride dihydrate	8	UN 2851	Corrosive	II	1,3	1	Keep cool
	Boron trifluoride propionic acid complex	8	UN 1743	Corrosive	II	1,2	1,2	
	Box toe gum. See Nitrocellulose							
	Brake fluid, hydraulic	3.2	UN 1118	Flammable Liquid	II	1,2	1	
	Bromates, (inorganic), n.o.s.	5.1	UN 1450	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals and 'separated from' ammonium compounds
	Bromine, (and solutions)	8	UN 1744	Corrosive, Poison	I	1	5	Keep cool
*	Bromine pentafluoride	5.1	UN 1745	Oxidizer, Poison, Corrosive	I	1	5	Keep dry. Shade from radiant heat
*	Bromine trifluoride	5.1	UN 1746	Oxidizer, Poison, Corrosive	I	1	5	Keep dry. Shade from radiant heat
	Bromoacetic acid, solid	8	UN 1938	Corrosive	II	1,2	1,2	Keep dry
	Bromoacetic acid, solution	8	UN 1938	Corrosive	II	1,2	1,2	Glass carboys in hampers not permitted under deck
*	Bromoacetone	6.1	UN 1569	Poison, Flammable Liquid	II	1	5	Segregation same as for flammable liquids. Stow 'away from' living quarters
	Bromoacetyl bromide	8	UN 2513	Corrosive	II	1	1	Glass carboys prohibited on passenger vessels
	Bromobenzene	3.3	UN 2514	Flammable Liquid	III	1,2	1,2	
	Bromobenzyl cyanide	6.1	UN 1694	Poison	I	1	5	Keep cool
	2-Bromobutane	3.2	UN 2339	Flammable Liquid	II	1,2	1	
	Bromochloromethane	9	UN 1887	None	III	1,2	1,2	Stow 'away from' foodstuffs
	2-Bromoethyl ethyl ether	3.2	UN 2340	Flammable Liquid	II	1,2	1	
	Bromoform	6.1	UN 2515	St. Andrews Cross	III	1,2	1,2	
	1-Bromo-3-methylbutane	3.2	UN 2341	Flammable Liquid	II	1,2	1	
	Bromomethylpropanes	3.2	UN 2342	Flammable Liquid	II	1,2	1	
	Bromomethylpropanes	3.3	UN 2342	Flammable Liquid	II	1,2	1,2	
	2-Bromopentane	3.2	UN 2343	Flammable Liquid	II	1,2	1	
	Bromopropanes	3.2	UN 2344	Flammable Liquid	II	1,2	1	
	Bromopropanes	3.3	UN 2344	Flammable Liquid	II	1,2	1,2	
	3-Bromopropyne	3.2	UN 2345	Flammable Liquid	II	1,2	1	
	Bromotrifluoromethane	2.2	UN 1009	Nonflammable Gas	--	1,2	1,2	
	Brucine	6.1	UN 1570	Poison	II	1,2	1,2	
N	Bursting, explosive	1.1D	UN 0043	Explosive (1.1D)	--	--	--	
	Butadiene, inhibited	2.1	UN 1010	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Butanedione	3.2	UN 2346	Flammable Liquid	II	1,2	1	
	Butane or butane mixtures	2.1	UN 1011	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	sec-Butanol	3.3	UN 1121	Flammable Liquid	II	1,2	1,2	
	tert-Butanol	3.2	UN 1122	Flammable Liquid	II	1,2	1	
	Butanol	3.3	UN 1120	Flammable Liquid	II	1,2	1,2	
	Butoxyl	3.3	UN 2708	Flammable Liquid	III	1,2	1,2	
*	Butyl acetates	3.2	UN 1123	Flammable Liquid	II	1,2	1	
*	Butyl acid phosphate	8	UN 1718	Corrosive	III	1,2	1,2	Glass carboys in hampers prohibited under deck
	Butylacrylate, inhibited	3.3	UN 2348	Flammable Liquid	II	1,2	1,2	
	Butyl alcohol. See Butanol							

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a) Cargo vessel	(b) Pas- senger vessel	(c) Other requirements
	sec-Butyl alcohol. See sec-Butanol							
	tert-Butyl alcohol. See tert-Butanol							
	n-Butylamine	3.2	UN 1125	Flammable Liquid	II	1,2	1	
*	N-n-Butylaniline	6.1	UN 2738	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Butyl benzenes	3.3	UN 2709	Flammable Liquid	III	1,2	1,2	
	n-Butyl-4,4-bis-(tert-butyl-peroxy) valerate, maximum concentration 52% with inert solid	5.2	UN 2141	Organic Peroxide	II	1	5	
	n-Butyl-4,4-bis-(tert-butyl-peroxy) valerate, technical pure	5.2	UN 2140	Organic Peroxide	II	1	5	
	n-Butyl bromide	3.3	UN 1126	Flammable Liquid	II	1,2	1,2	
	n-Butyl chloride	3.2	UN 1127	Flammable Liquid	II	1,2	1	
*	n-Butylchloroformate	6.1	UN 2743	Poison, Corrosive, Flammable Liquid	II	1,3	1,3	Keep cool and dry. Shade from radiant heat. Stow 'away from' living quarters. Segregation same as for flammable liquids
	tert-Butyl cumene peroxide. See tert-Butyl cumyl peroxide							
	tert-Butyl cumyl peroxide, technical pure	5.2	UN 2091	Organic Peroxide	II	1	5	
*	tert-Butylcyclohexylchloroformate	6.1	UN 2747	St. Andrews Cross	III	1,3	1,3	Keep cool and dry. Shade from radiant heat
	Butylene	2.1	UN 1012	Flammable Gas	-	1,2	1	Stow 'away from' living quarters
	Butyl ether. See Dibutyl ethers							
	n-Butyl formate	3.2	UN 1128	Flammable Liquid	II	1,2	1	
	tert-Butyl hydroperoxide, in a concentration over 72% to maximum 90% with water	5.2	UN 2094	Organic Peroxide	I	1	5	
	tert-Butyl hydroperoxide, maximum concentration 80% in di-tert-butyl peroxide and/or solvent	5.2	UN 2092	Organic Peroxide, Flammable Liquid (only if flashpoint of solvent is 23 deg C. or below)	I	1	5	
	tert-Butyl hydroperoxide, maximum concentration 72% with water	5.2	UN 2093	Organic Peroxide	II	1	5	
*	N-n-Butyl imidazole	6.1	UN 2690	Poison	II	1,2	1,2	Stow 'away from' living quarters
	tert-Butyl isocyanate	3.2	UN 2484	Flammable Liquid, Poison	I	1	5	Keep cool. Stow 'away from' living quarters and sources of heat
	n-Butyl isocyanate	3.2	UN 2485	Flammable Liquid, Poison	II	1	5	Keep cool. Stow 'away from' living quarters and sources of heat
*	Butyl mercaptan	3.2	UN 2347	Flammable Liquid	II	1,2	1	
	n-Butyl methacrylate	3.3	UN 2227	Flammable Liquid	III	1,2	1,2	
	Butyl methyl ether	3.2	UN 2350	Flammable Liquid	II	1,2	1	
*	tert-Butyl monoperoxyphthalate, technical pure	5.2	UN 2105	Organic Peroxide	II	1	5	
	Butyl nitrite	3.2	UN 2351	Flammable Liquid	II	1,2	1	
*	tert-Butyl peroxide. See Di-tert-butyl peroxide							
*	tert-Butyl peroxyacetate, in a concentration of more than 52% to a maximum concentration of 76% in solution	5.2	UN 2095	Organic Peroxide	II	1	5	
*	tert-Butyl peroxyacetate, maximum concentration 52% in solution	5.2	UN 2096	Organic Peroxide	II	1	5	
*	tert-Butyl peroxybenzoate, maximum concentration 75% in solution	5.2	UN 2098	Organic Peroxide	II	1	5	
*	tert-Butyl peroxybenzoate, technical pure or in a concentration of more than 75% in solution	5.2	UN 2097	Organic Peroxide	II	1	5	
*	tert-Butyl peroxybenzoate with at least 50% inert organic solid	5.2	UN 2890	Organic Peroxide	II	1	5	
*	tert-Butyl peroxycrotonate, maximum concentration 76% in solution	5.2	UN 2183	Organic Peroxide	II	1	5	
*	n-Butyl peroxydicarbonate, in a concentration of more than 27% to a maximum concentration of 52% in solution	5.2	UN 2169	Organic Peroxide	II	1	5	Control temperature -15 deg C. Emergency temperature -5 deg C
*	n-Butyl peroxydicarbonate, maximum concentration 27% in solution	5.2	UN 2170	Organic Peroxide	II	1	5	Control temperature 0 deg C. Emergency temperature 10 deg C
*	tert-Butyl peroxydiethylacetate, (in a maximum concentration of 33%), with tert-butyl peroxybenzoate, (in a maximum concentration of 33%), and solvent	5.2	UN 2551	Organic Peroxide	II	1	5	
*	tert-Butyl peroxydiethylacetate, technical pure	5.2	UN 2144	Organic Peroxide	II	1	5	Control temperature 20 deg C. Emergency temperature 25 deg C
*	tert-Butyl peroxy-2-ethylhexanoate, maximum concentration 30% with 2,2-Bis-(tert-butyl peroxy) butane maximum concentration 35% and with at least 35% phlegmatizer	5.2	UN 2886	Organic Peroxide	II	1	5	Control temperature 35 deg C. Emergency temperature 40 deg C
*	tert-Butyl peroxy-2-ethylhexanoate maximum concentration 12% with 2,2-Bis-(tert-butyl peroxy)butane maximum concentration 14%, and with at least 14% phlegmatizer and 60% inert inorganic solid	5.2	UN 2887	Organic Peroxide	II	1	5	
*	tert-Butyl peroxy-2-ethyl hexanoate, technical pure	5.2	UN 2143	Organic Peroxide	II	1	5	Control temperature 20 deg C. Emergency temperature 25 deg C
*	tert-Butyl peroxy-2-ethylhexanoate, with at least 50% phlegmatizer	5.2	UN 2888	Organic Peroxide	II	1	5	Control temperature 35 deg C. Emergency temperature 40 deg C
*	tert-Butyl peroxyisobutyrate, in a concentration of more than 52% to a maximum concentration of 77% in solution	5.2	UN 2142	Organic Peroxide	II	1	5	Control temperature 15 deg C. Emergency temperature 20 deg C
*	tert-Butyl peroxyisobutyrate, maximum concentration 52% in solution	5.2	UN 2562	Organic Peroxide	II	1	5	Emergency temperature 15 deg C. Emergency temperature 20 deg C
*	tert-Butyl peroxy isopropyl carbonate, technical pure	5.2	UN 2103	Organic Peroxide	II	1	5	
*	tert-Butyl peroxy maleate, maximum concentration 55% as a paste	5.2	UN 2101	Organic Peroxide	II	1	5	
*	tert-Butyl peroxy maleate, maximum concentration 55% in solution	5.2	UN 2100	Organic Peroxide	II	1	5	
*	tert-Butyl peroxy maleate, technical pure	5.2	UN 2099	Organic Peroxide	II	1	5	
*	tert-Butyl peroxyneodecanoate, maximum concentration 77% in solution	5.2	UN 2177	Organic Peroxide	II	1	5	Control temperature 0 deg C. Emergency temperature 10 deg C
*	tert-Butyl peroxyneodecanoate, technical pure	5.2	UN 2594	Organic Peroxide	II	1	5	Control temperature -5 deg C. Emergency temperature 5 deg C
*	3-tert-Butylperoxy-3-phenyl phthalide, technical pure	5.2	UN 2596	Organic Peroxide	II	1	5	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
	tert-Butyl peroxyvalate, <i>maximum concentration 77% in solution</i>	5.2	UN 2110	Organic Peroxide	II	1	5	Control temperature 0 deg C. Emergency temperature 10 deg C
	tert-Butyl peroxy-3,5,5-trimethyl hexanoate, <i>technical pure</i>	5.2	UN 2104	Organic Peroxide	II	1	5	
	Butylphenols, liquid	6.1	UN 2228	St. Andrews Cross	III	1,2	1	
	Butylphenols, solid	6.1	UN 2229	St. Andrews Cross	III	1,2	1,2	
	Butyl phosphoric acid. <i>See Acid butyl phosphate</i>							
	Butyl propionate	3.3	UN 1914	Flammable Liquid	II	1,2	1,2	
	Butyl toluenes	6.1	UN 2667	Poison, Flammable Liquid (only if flashpoint below 61 deg C)	III	1,2	1,2	Shade from radiant heat. If flashpoint below 61 deg C segregation same as for flammable liquids
	Butyl trichlorosilane	8	UN 1747	Corrosive, Flammable Liquid	II	1	1	Keep dry. Stow 'separated longitudinally by an intervening complete compartment or hold from' explosives. Segregation same as for flammable liquids
	Butyl vinyl ether, <i>inhibited</i>	3.2	UN 2352	Flammable Liquid	II	1,2	1	
	1,4-Butynediol	4.1	UN 2716	Flammable Solid	III	1,2	1	Stow 'separated from' mercury salts, strong acids, alkaline compounds and halides
	Butyraldehyde	3.2	UN 1129	Flammable Liquid	II	1,2	1	
	n-Butyric acid	8	UN 2820	Corrosive	III	1,3	1,3	Keep cool. Glass carboys in hampers prohibited under deck
	Butyric anhydride	8	UN 2739	Corrosive	III	1,2	1,2	
	Butyrene	3.3	UN 2710	Flammable Liquid	III	1,2	1,2	
	Butyronitrile	3.2	UN 2411	Flammable Liquid, Poison	II	1,3	5	Keep cool
	Butyryl chloride	3.2	UN 2353	Flammable Liquid, Poison	II	1	1	Keep dry. Shade from radiant heat
	Cacodylic acid	6.1	UN 1572	Poison	II	1,2	5	Stow 'away from' acids
	Cadmium compounds	6.1	UN 2570	Poison	I/II	1,2	1,2	Stow 'away from' living quarters
		6.1	UN 2570	St. Andrews Cross	III	1,2	1,2	Stow 'away from' living quarters
	Caesium hydroxide, solution	8	UN 2681	Corrosive	II	1,2	1,2	
	Caesium, metal	4.3	UN 1407	Dangerous When Wet	I	1,2	5	
	Caesium nitrate	5.1	UN 1451	Oxidizer	III	1,2	1,2	
	Caesium, powdered. <i>See Pyrophoric metals</i>							
	Calcium arsenate	6.1	UN 1573	Poison	II	1,2	1,2	
	Calcium arsenate and arsenite, solid mixtures	6.1	UN 1574	Poison	II	1,2	1,2	
	Calcium bisulphite, solution. <i>See Calcium hydrogen sulphite, solution</i>							
	Calcium carbide	4.3	UN 1402	Dangerous When Wet	II	1,2	1,2	Stow 'away from' copper, its alloys and its salts
	Calcium chlorate	5.1	UN 1452	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals and 'separated from' ammonium compounds
	Calcium chlorate, aqueous solution	5.1	UN 2429	Oxidizer	II	1,2	1	Stow 'away from' powdered metals and 'separated from' ammonium compounds
	Calcium chlorite	5.1	UN 1453	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals and cyanides, 'separated from' ammonium compounds
	Calcium cyanamide, containing more than 0.1% of calcium carbide	4.3	UN 1403	Dangerous When Wet	III	1,2	1,2	
	Calcium cyanide	6.1	UN 1575	Poison	I	1,2	1,2	Stow 'away from' acids
	Calcium hydride	4.3	UN 1404	Dangerous When Wet	I	1,2	5	
	Calcium hydrogen sulphite, solution	8	UN 1901	Corrosive	II	1,2	1,2	
	Calcium hydrosulphite	4.2	UN 1923	Spontaneously Combustible	III	1,2	5	Keep dry
	Calcium hypochlorite, dry or Calcium hypochlorite mixtures, dry, containing more than 39% available chlorine (8.8% available oxygen)	5.1	UN 1748	Oxidizer	II	1,2	1,2	
	Calcium hypochlorite mixtures, dry containing 39% or less, but more than 10% available chlorine	9	UN 2208	None	III	1,2	1,2	Stow 'separated from' flammable liquids and acids, 'away from' combustible materials
	Calcium manganese silicon	4.3	UN 2844	Dangerous When Wet	III	1,2	1,2	
	Calcium, metal and alloys, non-pyrophoric	4.3	UN 1401	Dangerous When Wet	II	1,2	5	
	Calcium nitrate	5.1	UN 1454	Oxidizer	III	1,2	1,2	
	Calcium perchlorate	5.1	UN 1455	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals
	Calcium permanganate	5.1	UN 1456	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds and hydrogen peroxide
	Calcium peroxide	5.1	UN 1457	Oxidizer	II	1,2	1,2	Keep dry
	Calcium phosphide	4.3	UN 1360	Dangerous When Wet	I	1	5	
	Calcium, pyrophoric or Calcium alloys, pyrophoric	4.2	UN 1855	Spontaneously Combustible	II	1	5	
	Calcium resinate, fused	4.1	UN 1314	Flammable Solid	III	1,2	1,2	
	Calcium resinate, technical pure	4.1	UN 1313	Flammable Solid	III	1,2	1,2	
	Calcium silicide	4.3	UN 1405	Dangerous When Wet	II	1,2	1,2	
	Calcium silicon	4.3	UN 1406	Dangerous When Wet	III	1,2	1,2	
	Camphor, natural or synthetic	4.1	UN 2717	Flammable Solid	III	1,2	1,2	
	Camphor oil	3.3	UN 1130	Flammable Liquid	III	1,3	1,3	
	Capryloyl peroxide. <i>See n-Octanoyl peroxide</i>							
	Caps, blasting. <i>See Blasting caps</i>							
	Caps, percussion	1.4 S	UN 0044	None. Package to be marked '1.4 S'	-	1,3	1,3	
	Caps, toy. <i>See Amorce</i>							
	Carbamate pesticides, liquid, n.o.s.	6.1	UN 2757	Poison	I	1	1	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identi- fication Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c) Other requirements
						Cargo vessel	Pass- enger vessel	
		6.1	UN 2757	Poison	II	1,2	1	
		6.1	UN 2757	St. Andrews Cross	III	1,2	1,2	
*	Carbamate pesticides, liquid, n.o.s., flashpoint between 23 deg C and 61 deg C	6.1	UN 2757	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2757	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2757	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
*	Carbamate pesticides, n.o.s., flashpoint below 23 deg C	3.2	UN 2758	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
*	Carbamate pesticides, solid, n.o.s.	6.1	UN 2757	Poison	I/II	1,2	1,2	
	Carbolic acid. See Phenol	6.1	UN 2757	St. Andrews Cross	III	1,2	1,2	
*	Carbon, activated	4.2	UN 1362	Spontaneously Combustible	III	1,3	1,3	Keep cool. Stow 'away from' oily matter
	Carbon bisulphide. See Carbon disulphide							
	Carbon dioxide	2.2	UN 1013	Nonflammable Gas	--	1,2	1,2	
	Carbon dioxide and nitrous oxide, mixtures	2.2	UN 1015	Nonflammable Gas	--	1,2	1,2	
	Carbon dioxide and oxygen, mixtures	2.2	UN 1014	Nonflammable Gas	--	1,2	1,2	
*	Carbon disulphide	3.1	UN 1131	Flammable Liquid, Poison	I	1	5	Prohibited on any ship carrying explosives (except explosives in Division 1.4, Compatibility Group S). Keep cool
	Carbon monoxide	2.1	UN 1016	Flammable Gas, Poison Gas	--	1	5	Stow 'away from' living quarters
*	Carbon monoxide and hydrogen mixture	2.1	UN 2600	Flammable Gas, Poison Gas	--	1	5	Stow 'away from' living quarters
*	Carbon, non-activated, of animal or vegetable origin	4.2	UN 1361	Spontaneously Combustible	III	1,3	1,3	Keep cool. Stow 'away from' oily matter
	Carbon paper. See Paper, treated with unsaturated oils, incompletely dried							
	Carbon remover, liquid	3.2	UN 1132	Flammable Liquid	II	1,2	1	
	Carbon sulphide. See Carbon disulphide							
	Carbon tetrabromide	6.1	UN 2516	St. Andrews Cross	III	1,2	1,2	Shade from radiant heat
	Carbon tetrachloride	6.1	UN 1846	Poison	II	1,2	1,2	
	Carbonyl chloride. See Phosgene							
	Carbonyl fluoride	2.3	UN 2417	Poison Gas	--	1	5	Stow 'away from' living quarters
	Carbonyl sulfide	2.3	UN 2204	Poison Gas, Flammable Gas	--	1	5	Stow 'away from' living quarters
N	Cartouche	2.1	UN 2037	Flammable Gas	--			
	Cartridge cases, empty, with primer. See Cases, cartridges, empty, with primer							
N	Cartridges, flash	1.1G	UN 0049	Explosive (1.1G)	--	--	--	
N	Cartridges, flash	1.3G	UN 0050	Explosive (1.3G)	--	--	--	
	Cartridges for weapons, blank	1.4 C	UN 0338	Explosive (1.4C)	--	1,3	1,3	
	Cartridges for weapons, blank	1.4 S	UN 0014	None. Package to be marked '1.4 S'	--	1,3	1,3	
N	Cartridges for weapons, blank	1.1C	UN 0326	Explosive (1.1C)	--	--	--	
N	Cartridges for weapons, blank	1.3C	UN 0327	Explosive (1.3C)	--	--	--	
	Cartridges for weapons, other than blank	1.4 S	UN 0012	None. Package to be marked '1.4 S'	--	1,3	1,3	
N	Cartridges for weapons, with bursting charge	1.1E	UN 0006	Explosive (1.1E)	--	--	--	
N	Cartridges for weapons, with bursting charge	1.2E	UN 0321	Explosive (1.2E)	--	--	--	
N	Cartridges for weapons, with bursting charge	1.1F	UN 0005	Explosive (1.1F)	--	--	--	
N	Cartridges for weapons, with bursting charge	1.2F	UN 0007	Explosive (1.2F)	--	--	--	
N	Cartridges for weapons, with bursting charge	1.4F	UN 0348	Explosive (1.4F)	--	--	--	
	Cartridges for weapons, with inert projectile	1.4 C	UN 0339	Explosive (1.4C)	--	1,3	1,3	
N	Cartridges for weapons, with inert projectile	1.2C	UN 0328	Explosive (1.2C)	--	--	--	
	Cartridges, oil well	1.4 C	UN 0278	Explosive (1.4C)	--	1,3	1,3	
N	Cartridges, oil well	1.3C	UN 0277	Explosive (1.3C)	--	--	--	
	Cartridges, power device	1.4 C	UN 0276	Explosive (1.4C)	--	1,3	1,3	
	Cartridges, power device	1.4 S	UN 0323	None. Package to be marked '1.4 S'	--	1,3	1,3	
N	Cartridges, power device	1.2C	UN 0381	Explosive (1.2C)	--	--	--	
N	Cartridges, power device	1.3C	UN 0275	Explosive (1.3C)	--	--	--	
	Cartridges, safety. See Cartridges for weapons, other than blank (UN 0012) or Cartridges for weapons, blank (UN 0014)							
	Cartridges, signal	1.4 G	UN 0312	Explosive (1.4G)	--	1,3	1,3	
N	Cartridges, signal	1.3G	UN 0054	Explosive (1.3G)	--	--	--	
*	Cartridges, signal	1.4S	UN 0405	None. Package to be marked '1.4S'	--	1,3	1,3	
	Cases, cartridge, empty, with primer	1.4C	UN 0379	Explosive (1.4C)	--	1,3	1,3	
	Cases, cartridges, empty, with primer	1.4 S	UN 0055	None. Package to be marked '1.4 S'	--	1,3	1,3	
*	Casinghead gasoline	3.1	UN 1257	Flammable Liquid	II	1,3	5	Keep cool
	Caustic alkali liquids, n.o.s.	8	UN 1719	Corrosive	II	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a) Cargo vessel	(b) Pas- senger vessel	(c) Other requirements
	Caustic potash. <i>See</i> Potassium hydroxide, <i>solution</i>							
	Caustic potash, solid. <i>See</i> Potassium hydroxide, <i>solid</i>							
	Celluloid, in blocks, rods, rolls, sheets, tubes, etc. (<i>wrap excluded</i>)	4.1	UN 2000	Flammable Solid	III	1,2	1,2	
	Celluloid, scrap	4.2	UN 2002	Spontaneously Combustible	II	1	5	
	Cement, adhesive, (<i>containing a flammable liquid</i>), n.o.s.	3.2	UN 1133	Flammable Liquid	II	1,2	1	
	Cement, (liquid), n.o.s. <i>See</i> Cement, adhesive, (<i>containing a flammable liquid</i>), n.o.s.	3.3	UN 1133	Flammable Liquid	II	1,2	1,2	
*	Cerium, crude, powder	4.1	UN 1333	Flammable Solid	II	1,2	5	Stow 'separated from' flammable substances and oxidizers
*	Cerium, crude, slabs or ingots	4.1	UN 1333	Flammable Solid	III	1,2	1,2	Stow 'separated from' flammable substances and oxidizers
	Charcoal, activated. <i>See</i> Carbon, activated							
	Charcoal, non-activated, of animal or vegetable origin. <i>See</i> Carbon							
N	Charges, demolition	1.1D	UN 0048	Explosive (1.1D)	--	--	--	
N	Charges, depth	1.1D	UN 0056	Explosive (1.1D)	--	--	--	
N	Charges, propelling, for cannon	1.1C	UN 0279	Explosive (1.1C)	--	--	--	
N	Charges, propelling, for cannon	1.3C	UN 0242	Explosive (1.3C)	--	--	--	
N	Charges, propelling, for rocket motors	1.1C	UN 0271	Explosive (1.1C)	--	--	--	
N	Charges, propelling, for rocket motors	1.3C	UN 0272	Explosive (1.3C)	--	--	--	
N	Charges, propelling, for rocket motors, composite mixture	1.1C	UN 0273	Explosive (1.1C)	--	--	--	
N	Charges, propelling, for rocket motors, composite mixture	1.3C	UN 0274	Explosive (1.3C)	--	--	--	
N	Charges, shaped, commercial, without detonator	1.1D	UN 0059	Explosive (1.1D)	--	--	--	
N	Charges, shaped, flexible, linear, metal clad	1.4D	UN 0237	Explosive (1.4D)	--	1,3	1,3	
N	Charges, shaped, flexible, linear, metal clad	1.1D	UN 0288	Explosive (1.1D)	--	--	--	
N	Charges, supplementary, explosive	1.1D	UN 0060	Explosive (1.1D)	--	--	--	
	Chloral, anhydrous, inhibited	6.1	UN 2075	Poison	II	1	5	
	Chlorate and borate, mixtures. <i>See</i> Borate and chlorate mixtures							
*	Chlorate and magnesium chloride, mixture	5.1	UN 1459	Oxidizer	II	1,2	5	Stow 'away from' powdered metals and 'separated from' ammonium compounds
*	Chlorates, inorganic, n.o.s.	5.1	UN 1461	Oxidizer	II	1,2	5	Stow 'away from' powdered metals and 'separated from' ammonium compounds
*	Chloric acid solution containing not more than 10% acid	5.1	UN 2626	Oxidizer	II	1	5	Stow 'separated from' ammonium compounds and 'away from' finely powdered metals
	Chlorinated anthracene oil	6.1	UN 2230	Poison	II	1,3	1,3	Stow 'away from' sources of heat. Segregation same as for flammable liquids
	Chlorine	2.3	UN 1017	Poison Gas, Oxidizer	--	1	5	Stow 'away from' living quarters and organic materials, 'separated from' acetylene, ammonia, diborane and hydrogen
	Chlorine trifluoride	2.3	UN 1749	Poison Gas, Oxidizer, Corrosive	--	1,2	5	Stow 'away from' food stuffs and living quarters
	Chlorites, (inorganic), n.o.s.	5.1	UN 1462	Oxidizer	II	1,2	5	Stow 'away from' powdered metals and cyanides, 'separated from' ammonium compounds
	Chloroacetaldehyde	6.1	UN 2232	Poison	II	1	5	
	Chloroacetic acid, liquid	8	UN 1750	Corrosive	II	1,2	1,2	Glass carboys in hampers not permitted under deck
	Chloroacetic acid, solid	8	UN 1751	Corrosive	II	1,2	1,2	Keep dry
*	Chloroacetone, stabilized	6.1	UN 1695	Poison	II	1	5	Stow 'away from' living quarters
*	Chloroacetonitrile	6.1	UN 2668	Poison, Flammable Liquid	II	1,3	1,3	Keep cool. Shade from radiant heat. Stow 'away from' acids. Segregation same as for flammable liquids
	Chloroacetophenone	6.1	UN 1697	Poison	II	1	5	
	Chloroacetyl chloride	8	UN 1752	Corrosive	II	1	5	Keep dry
	Chloroanilines, liquid	6.1	UN 2019	Poison	II	1,2	1,2	
	Chloroanilines, solid	6.1	UN 2018	Poison	II	1,2	1,2	
	p-Chloro-o-anisidine	6.1	UN 2233	St. Andrews Cross	III	1,2	1,2	
	Chlorobenzene	3.3	UN 1134	Flammable Liquid	II	1,3	1,3	
	Chlorobenzotrifluorides	3.3	UN 2234	Flammable Liquid	III	1,2	1,2	
*	p-Chlorobenzoyl peroxide. <i>See</i> Di-(4-chlorobenzoyl) peroxide							
	p-Chlorobenzyl chloride	6.1	UN 2235	St. Andrews Cross	III	1,2	1,2	
*	1-Chloro-3-bromopropane	6.1	UN 2688	St. Andrews Cross	III	1,2	1,2	
*	Chlorocresols	6.1	UN 2669	Poison	II	1,3	1,3	Keep cool. Stow 'away from' living quarters
	Chlorodifluorobromomethane	2.2	UN 1974	Nonflammable Gas	--	1,2	1,2	
	Chlorodifluoromethane	2.2	UN 1018	Nonflammable Gas	--	1,2	1,2	
	Chlorodifluoromethane and chloropentafluoroethane, mixture with a fixed boiling point containing about 49% of chlorodifluoromethane	2.2	UN 1973	Nonflammable Gas	--	1,2	1,2	
	Chlorodinitrobenzene	6.1	UN 1577	Poison	II	1,2	1,2	
	2-Chloroethanol	3.3	UN 1135	Flammable Liquid	II	1,2	1,2	
	Chloroform	6.1	UN 1888	Poison	II	1,2	1,2	
*	Chloroformates, n.o.s., with a flashpoint not less than 23 deg C	6.1	UN 2742	Poison, Corrosive, Flammable Liquid (only if flashpoint below 61 deg C)	II	1,3	1,3	Keep cool and dry. Shade from radiant heat. Stow 'away from' living quarters. If flashpoint below 61, segregation same as for flammable liquids
*	Chloromethylchloroformate	6.1	UN 2745	Poison, Corrosive	II	1,3	1,3	Keep cool and dry. Shade from radiant heat. Stow 'away from' living quarters
	Chloromethyl ethyl ether	3.2	UN 2354	Flammable Liquid, Poison	II	1,3	5	Keep cool

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identi- fication Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Storage Requirements		
						(a)	(b)	(c) Other requirements
						Cargo vessel	Pass- enger vessel	
	3-Chloro-4-methylphenyl isocyanate	6.1	UN 2236	Poison	II	1,2	1,2	Shade from radiant heat
	Chloronitroanilines	6.1	UN 2237	St. Andrews Cross	III	1,2	1,2	
	Chloronitrobenzenes (<i>o</i> -, <i>m</i> -, <i>p</i> -)	6.1	UN 1578	Poison	II	1,2	1,2	
	Chloro- <i>o</i> -nitrotoluene	6.1	UN 2433	St. Andrews Cross	III	1,2	1,2	
	Chloropentafluoroethane	2.2	UN 1020	Nonflammable Gas	-	1,2	1,2	
	<i>m</i> -Chloroperoxybenzoic acid, maximum concentration 85%	5.2	UN 2755	Organic Peroxide	II	1	5	
*	3-Chloroperoxybenzoic acid, maximum concentration 85%	5.2	UN 2755	Organic Peroxide	II	1	5	
*	Chlorophenates, liquid	8	UN 2904	Corrosive	III	1,2	1,2	
*	Chlorophenates, solid	8	UN 2905	Corrosive	III	1,2	1,2	
*	Chlorophenols, liquid	6.1	UN 2021	St. Andrews Cross	III	1,2	1,2	
*	Chlorophenols, solid	6.1	UN 2020	St. Andrews Cross	III	1,2	1,2	
	Chlorophenyl trichlorosilane	8	UN 1753	Corrosive	II	1	1	Keep dry
	Chloropicrin	6.1	UN 1580	Poison	I	1	5	
*	Chloropicrin and methyl bromide, mixtures	2.3	UN 1581	Poison Gas	-	1	5	Shade from radiant heat. Stow 'away from' living quarters
*	Chloropicrin and methyl chloride, mixtures	2.3	UN 1582	Poison Gas	-	1	5	Shade from radiant heat. Stow 'away from' living quarters
	Chloropicrin mixtures, n.o.s.	6.1	UN 1583	Poison	I/II	1	5	
	Chloroplatinic acid, solid	8	UN 2507	Corrosive	III	1,2	1,2	
	Chloroprene, inhibited	3.2	UN 1991	Flammable Liquid	I	1,2	1	
	2-Chloropropane	3.1	UN 2356	Flammable Liquid	I	1,3	5	Keep cool
*	3-Chloropropanol-1	6.1	UN 2849	St. Andrews Cross	III	1,2	1,2	
	2-Chloropropene	3.1	UN 2456	Flammable Liquid	I	1,3	5	Keep cool
	Chloropropionic acid	8	UN 2511	Corrosive	III	1,2	1,2	Glass carboys prohibited on passenger vessels
*	3-Chloropyridine	6.1	UN 2822	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Chlorosulphonic acid, with or without sulphur trioxide	8	UN 1754	Corrosive	I	1	1	Glass carboys prohibited on passenger vessels
	Chlorotetrafluoroethane	2.2	UN 1021	Nonflammable Gas	-	1,2	1,2	
	Chlorotoluenes (<i>o</i> -, <i>m</i> -, <i>p</i> -)	3.3	UN 2238	Flammable Liquid	III	1,2	1,2	
	4-Chloro- <i>o</i> -toluidine hydrochloride	6.1	UN 1579	St. Andrews Cross	III	1,2	1,2	
	Chlorotoluidines	6.1	UN 2239	St. Andrews Cross	III	1,2	1,2	
*	Chlorotrifluoroethane	2.2	UN 1983	Nonflammable Gas	-	1,2	1,2	
	Chlorotrifluoroethane. See Trifluorochloroethane							
	Chlorotrifluoroethylene. See Trifluorochloroethylene							
	Chlorotrifluoroethane	2.2	UN 1022	Nonflammable Gas	-	1,2	1,2	
	Chromic acid, solid. See Chromium trioxide, anhydrous							
	Chromic acid, solution	8	UN 1755	Corrosive	II	1	1	
	Chromic anhydride. See Chromium trioxide, anhydrous							
	Chromic fluoride, solid	8	UN 1756	Corrosive	II	1,2	1,2	
	Chromic fluoride, solution	8	UN 1757	Corrosive	II	1,2	1,2	
*	Chromium nitrate	5.1	UN 2720	Oxidizer	III	1,2	1,2	
	Chromium oxychloride	8	UN 1758	Corrosive	I	1	1	Keep dry. Glass carboys prohibited on passenger vessels
*	Chromium trioxide, anhydrous	5.1	UN 1463	Oxidizer, Corrosive	II	1,2	1,2	Stow 'separated from' flammable substances and 'away from' foodstuffs
	Chromosulphuric acid	8	UN 2240	Corrosive	I	1,2	1	Carboys not permitted on passenger vessels and permitted only on deck on cargo vessels
	Chrysoile. See Asbestos, white							
	Cigarettes, self-lighting	4.1	UN 1867	Flammable Solid	III	1,2	1,2	Keep dry
	Cleaning compound. See Flammable liquid preparations, n.o.s.							
	Cleaning compounds, liquid, corrosive	8	UN 1759	Corrosive	II	1,2	1,2	
	Coal gas	2.1	UN 1023	Flammable Gas, Poison Gas	-	1	5	Stow 'away from' living quarters
	Coal tar distillate	3.2	UN 1136	Flammable Liquid	-	1,2	1	
		3.3	UN 1136	Flammable Liquid	-	1,2	1,2	
	Coal tar light oil	3.2	UN 1137	Flammable Liquid	-	1,2	1	
		3.3	UN 1137	Flammable Liquid	-	1,2	1,2	
	Coal tar naphtha	3.2	UN 2553	Flammable Liquid	II	1,2	1	
	Coal tar oil. See Coal tar distillate							
	Coating solution	3.2	UN 1139	Flammable Liquid	II	1,2	1	
		3.3	UN 1139	Flammable Liquid	II	1,2	1,2	
	Cobalt naphthenates, powder	4.1	UN 2001	Flammable Solid	III	1,2	1,2	
	Cobalt resinates, precipitated	4.1	UN 1318	Flammable Solid	III	1,2	1,2	
	Cocculus, solid	6.1	UN 1584	Poison	II	1,2	1,2	
	Cologne spirits. See Ethanol							
	Columbian spirits. See Methanol							
	Components, explosive train, n.o.s.	1.4B	UN 0383	Explosive (1.4B)	-	1,3	1,3	
	Components, explosive train, n.o.s.	1.4S	UN 0384	None. Package to be marked '1.4S'	-	1,3	1,3	
N	Components, explosive train, n.o.s.	1.2B	UN 0382	Explosive (1.2B)	-	-	-	
	Compressed or liquefied gases, (flammable, non-toxic), n.o.s.	2.1	UN 1954	Flammable Gas	-	1	5	Stow 'away from' living quarters
	Compressed or liquefied gases, (flammable, toxic), n.o.s.	2.1	UN 1953	Flammable Gas, Poison Gas	-	1	5	Stow 'away from' living quarters
	Compressed or liquefied gases, (non-flammable, non-toxic), n.o.s.	2.2	UN 1956	Nonflammable Gas	-	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identi- fication Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pas- senger vessel	Other requirements
	Compressed or liquefied gases, (non-flammable, toxic), n.o.s.	2.3	UN 1955	Poison Gas	--	1	5	Stow 'away from' living quarters
N	Contrivances, water-activated, with burster, expelling charge or propelling charge	1.2L	UN 0248	Explosive (1.2L), Dangerous When Wet	--	--	--	
N	Contrivances, water-activated, with burster, expelling charge or propelling charge	1.3L	UN 0249	Explosive (1.3L), Dangerous When Wet	--	--	--	
	Copper acetoarsenite	6.1	UN 1585	Poison	II	1,2	1,2	
	Copper arsenite	6.1	UN 1586	Poison	II	1,2	1,2	
*	Copper based pesticides, liquid, n.o.s.	6.1	UN 2775	Poison	I	1	1	
		6.1	UN 2775	Poison	II	1,2	1	
		6.1	UN 2775	St. Andrews Cross	III	1,2	1,2	
*	Copper based pesticides, liquid, n.o.s., flashpoint between 23 deg C and 61 deg C	6.1	UN 2775	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2775	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2775	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
*	Copper based pesticides, n.o.s., flashpoint below 23 deg C	3.2	UN 2776	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
*	Copper based pesticides, solid, n.o.s.	6.1	UN 2775	Poison	I/II	1,2	1,2	
		6.1	UN 2775	St. Andrews Cross	III	1,2	1,2	
*	Copper chlorate	5.1	UN 2721	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds and 'away from' finely powdered metals
	Copper cyanide	6.1	UN 1587	Poison	II	1,2	1,2	Stow 'away from' acids
	Copra	4.2	UN 1363	None. Package to be marked 'Class 4.2'	III	1,2	1,2	Keep dry. Protect from sparks and open flame
	Cord, detonating, flexible	1.4 D	UN 0289	Explosive (1.4D)	--	1,3	1,3	
N	Cord, detonating, flexible	1.1D	UN 0065	Explosive (1.1D)	--	--	--	
N	Cord, detonating, metal clad	1.1D	UN 0290	Explosive (1.1D)	--	--	--	
N	Cord, detonating, metal clad	1.2D	UN 0102	Explosive (1.2D)	--	--	--	
	Cord, detonating, mild effect, metal clad	1.4 D	UN 0104	Explosive (1.4D)	--	1,3	1,3	
	Cord, igniter	1.4 G	UN 0066	Explosive (1.4G)	--	1,3	1,3	
*	Corrosive liquids, n.o.s.	8	UN 1760	Corrosive, Flammable Liquid (only if flashpoint between 23 and 61 deg C)	I/II/III	1	5	For a material that meets only the corrosion to skin criteria of 49 CFR 173.240(a)(1), 'under deck' stowage is also authorized if the description includes the additional entry specified in Sec. 172.203(i)(3). If flashpoint below 61 deg C, segregation same as for flammable gases
*	Corrosive solids, n.o.s.	8	UN 1759	Corrosive	I/II/III	1	5	For a material that meets only the corrosion to skin criteria of 49 CFR 173.240(a)(1), 'under deck' stowage is also authorized if the description includes the additional entry specified in Sec. 172.203(i)(3). Keep dry
	Cosmetics, n.o.s. See Perfumery products							
	Cotton, dry. See Fibres, vegetable, dry							
	Cotton waste, oily	4.2	UN 1364	Spontaneously Combustible	III	1,2	1,2	Keep dry. Stow 'separated from' explosives, animal oils or vegetable oils
	Cotton, wet or contaminated	4.2	UN 1365	Spontaneously Combustible	III	1,2	1,2	Keep dry
	Cresols (o-, m-, p-)	6.1	UN 2076	Poison	II	1,2	1,2	
	Cresylic acid	6.1	UN 2022	Poison	II	1,2	1,2	
	Crocidolite. See Asbestos, blue							
*	Crotonaldehyde, inhibited	3.2	UN 1143	Flammable Liquid	II	1,2	1	
*	Crotonic acid	8	UN 2823	Corrosive	III	1,3	1,3	Keep cool
	Crotonylene	3.1	UN 1144	Flammable Liquid	I	1,3	5	Keep cool
	Cumene hydroperoxide. See Cumyl hydroperoxide							
*	Cumyl hydroperoxide, technical pure	5.2	UN 2116	Organic Peroxide	I	1	5	
	Cupric cyanide. See Copper cyanide							
	Cupriethylenediamine, solution	8	UN 1761	Corrosive, Poison	II	1,2	1,2	
	Cut-backs, asphalt or bitumen	3.2	UN 1999	Flammable Liquid	II	1,2	1	
		3.3	UN 1999	Flammable Liquid	II	1,2	1,2	
	Cutters, cable, explosive	1.4 S	UN 0070	None. Package to be marked '1.4 S'	--	1,3	1,3	
	Cyanide mixtures. See Cyanides, (inorganic), n.o.s.							
*	Cyanides, inorganic, n.o.s.	6.1	UN 1588	Poison	I/II	1,2	1,2	Stow 'away from' acids
		6.1	UN 1588	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
*	Cyanide, solutions	6.1	UN 1935	Poison	I	1,2	1,2	Stow 'away from' living quarters and acids
	Cyanogen	2.3	UN 1026	Poison Gas, Flammable Gas	--	1	5	Stow 'away from' foodstuffs and living quarters
	Cyanogen bromide	6.1	UN 1889	Poison, Corrosive	I	1	5	Shade from radiant heat. Segregation same as for corrosives
	Cyanogen chloride, inhibited	2.3	UN 1589	Poison Gas	--	1	5	
	Cyanuric chloride (cyanuric trichloride)	8	UN 2670	Corrosive	II	1,2	1,2	Keep dry

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Storage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
*	Cyclobutylchloroformate	6.1	UN 2744	Poison, Corrosive, Flammable Liquid	II	1,3	1,3	Keep cool and dry. Shade from radiant heat. Stow 'away from' living quarters. Segregation same as for flammable liquids
	1,5,9-Cyclododecatriene	8	UN 2518	Corrosive	III	1	5	Stow 'away from' living quarters
	Cycloheptane	3.2	UN 2241	Flammable Liquid	II	1,2	1	
	Cycloheptatriene	3.2	UN 2603	Flammable Liquid, Poison	II	1,3	5	Keep cool
	Cycloheptene	3.2	UN 2242	Flammable Liquid	II	1,2	1	
*	Cyclohexane	3.1	UN 1145	Flammable Liquid	II	1,3	5	Keep cool
	Cyclohexanone	3.3	UN 1915	Flammable Liquid	III	1,2	1,2	
*	Cyclohexanone peroxides, in a concentration of more than 90% with less than 10% water	5.2	UN 2117	Organic Peroxide	I	1	5	
*	Cyclohexanone peroxides, maximum concentration 90%, with at least 10% water	5.2	UN 2119	Organic Peroxide	I	1	5	
*	Cyclohexanone peroxides, maximum concentration 72% and containing not more than 9% available oxygen, in solution	5.2	UN 2118	Organic Peroxide	I	1	5	
*	Cyclohexanone peroxides, maximum concentration 72% and containing not more than 9% available oxygen, as a paste	5.2	UN 2896	Organic Peroxide	II	1	5	
	Cyclohexene	3.1	UN 2256	Flammable Liquid	II	1,3	5	Keep cool
	Cyclohexene	3.2	UN 2256	Flammable Liquid	II	1,2	1	
	Cyclohexenyl trichlorosilane	8	UN 1762	Corrosive	II	1	1	Keep dry
	Cyclohexyl acetate	3.3	UN 2243	Flammable Liquid	III	1,2	1,2	
	Cyclohexylamine	3.2	UN 2357	Flammable Liquid, Poison	II	1,2	1	
	Cyclohexylamine	3.3	UN 2357	Flammable Liquid, Corrosive	II	1,2	1,2	
*	Cyclohexyl isocyanate	6.1	UN 2488	Poison, Flammable Liquid	II	1	5	Shade from radiant heat. Stow 'away from' living quarters. Segregation same as for flammable liquids
	Cyclohexyl trichlorosilane	8	UN 1763	Corrosive	II	1	1	Keep dry
	Cyclooctadiene	3.3	UN 2520	Flammable Liquid	II	1,2	1,2	
	Cyclooctatetraene	3.2	UN 2358	Flammable Liquid	II	1,2	1	
*	Cyclopentane	3.1	UN 1146	Flammable Liquid	II	1,3	5	Keep cool
	Cyclopentanol	3.3	UN 2244	Flammable Liquid	III	1,2	1,2	
	Cyclopentanone	3.3	UN 2245	Flammable Liquid	II	1,2	1,2	
	Cyclopentene	3.1	UN 2246	Flammable Liquid	II	1,3	5	Keep cool
	Cyclopropane	2.1	UN 1027	Flammable Gas	-	1,2	1	Stow 'away from' living quarters
N	Cyclotetramethylenetetranitramine, containing, by weight, at least 15% water or at least 10% phlegmatizer	1.1D	UN 0226	Explosive (1.1D)	-	-	-	
N	Cyclotrimethylenetrinitramine, containing, by weight, at least 15% water or at least 10% phlegmatizer	1.1D	UN 0072	Explosive (1.1D), Corrosive	-	-	-	
N	Cyclotrimethylenetrinitramine mixed with cyclotetramethylenetetranitramine, containing, by weight, at least 15% water or at least 10% phlegmatizer	1.1D	UN 0391	Explosive (1.1D)	-	-	-	
*	Cymenes	3.3	UN 2046	Flammable Liquid	II	1,2	1,2	
	Decaborane	4.1	UN 1868	Flammable Solid, Poison	II	1,2	1,2	
	Decahydronaphthalene	3.3	UN 1147	Flammable Liquid	II	1,2	1,2	
	Decalin. See Decahydronaphthalene							
	n-Decane	3.3	UN 2247	Flammable Liquid	III	1,2	1,2	
N	Deflagrating metal salts of aromatic nitro-derivatives, n.o.s.	1.3C	UN 0132	Explosive (1.3C)	-	-	-	
	Detonators for ammunition	1.4B	UN 0365	Explosive (1.4B)	-	1,3	1,3	
	Detonators for ammunition	1.4S	UN 0366	None. Package to be marked '1.4S'	-	1,3	1,3	
N	Detonators for ammunition	1.1B	UN 0073	Explosive (1.1B)	-	-	-	
N	Detonators for ammunition	1.2B	UN 0364	Explosive (1.2B)	-	-	-	
	Deuterium	2.1	UN 1957	Flammable Gas	-	1,2	5	Stow 'away from' living quarters
	Diacetone alcohol	3.2	UN 1148	Flammable Liquid	II	1,2	1	
	Diacetone alcohol	3.3	UN 1148	Flammable Liquid	II/III	1,2	1,2	
*	Diacetone alcohol peroxides, maximum 37% in solution with maximum 9% hydrogen peroxide, minimum 26% diacetone alcohol and minimum 9% water; total active oxygen content maximum 10%	5.2	UN 2163	Organic Peroxide	I	1	5	Control temperature 30 deg C. Emergency temperature 35 deg C
	Diallylamine	3.2	UN 2359	Flammable Liquid	II	1,2	1	
	Diallylether	3.2	UN 2360	Flammable Liquid, Poison	II	1,3	5	Keep cool
*	4,4'-Diaminodiphenyl methane	6.1	UN 2651	St. Andrews Cross	III	1,2	1,2	
	Di-n-amyamine	6.1	UN 2841	St. Andrews Cross, Flammable Liquid	III	1,3	1,3	Keep cool. Shade from radiant heat. Segregation same as for flammable liquids
N	Diazodinitrophenol, containing, by weight, at least 40% water or mixture of alcohol and water	1.1A	UN 0074	Explosive (1.1A)	-	-	-	
	Dibenzylchlorosulfane	8	UN 2434	Corrosive	II	1	1	Keep dry
*	Dibenzyl peroxydicarbonate, maximum concentration 87% with water	5.2	UN 2149	Organic Peroxide	I	1	5	Control temperature 25 deg C. Emergency temperature 30 deg C
	Diborane	2.1	UN 1911	Flammable Gas, Poison Gas	-	1	5	Stow 'away from' foodstuffs and living quarters, 'separated from' chlorine
	Dibromobenzene	3.3	UN 2711	Flammable Liquid	III	1,2	1,2	
*	1,2-Dibromobutan-3-one	6.1	UN 2648	Poison	II	1,2	1	
*	1,2-Dibromo-3-chloropropane	6.1	UN 2872	St. Andrews Cross	III	1,2	1,2	
*	Dibromomethane	6.1	UN 2664	St. Andrews Cross	III	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identi- fication Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c) Other requirements
						Cargo vessel	Pass- enger vessel	
	Di-(n-butyl)amine	8	UN 2248	Corrosive, Flammable Liquid	II	1,2	1,2	Segregation same as for flammable liquids
*	<—&Di-n-butylaminoethanol	6.1	UN 2873	St. Andrews Cross	III	1,2	1,2	
	Dibutyl ethers	3.3	UN 1149	Flammable Liquid	III	1,2	1,2	
*	Di-tert-butyl peroxide, <i>technical pure</i>	5.2	UN 2102	Organic Peroxide, Flammable Liquid	II	1	5	
*	Di-sec-butyl peroxydicarbonate, <i>maximum concentration 52% in solu- tion</i>	5.2	UN 2151	Organic Peroxide	II	1	5	Control temperature -15 deg C. Emergency temperature -5 deg C
*	Di-sec-butyl peroxydicarbonate, <i>technical pure</i>	5.2	UN 2150	Organic Peroxide	I	1	5	Control temperature -20 deg C. Emergency temperature -10 deg C
*	Di-(tert-butylperoxy)phthalate, <i>maximum concentration 55% as a paste</i>	5.2	UN 2108	Organic Peroxide	II	1	5	
*	Di-(tert-butylperoxy)phthalate, <i>maximum concentration 55% in solu- tion</i>	5.2	UN 2107	Organic Peroxide	II	1	5	
*	Di-(tert-butylperoxy)phthalate, <i>technical pure</i>	5.2	UN 2106	Organic Peroxide	II	1	5	
*	Dicetyl peroxydicarbonate <i>maximum concentration 42%, stable dis- persion in water</i>	5.2	UN 2985	Organic Peroxide	II	1	5	Control temperature 25 deg C. Emergency temperature 30 deg C
*	Dicetyl peroxydicarbonate, <i>technical pure</i>	5.2	UN 2164	Organic Peroxide	II	1	5	Control temperature 20 deg C. Emergency temperature 25 deg C
	Dichloroacetic acid	8	UN 1764	Corrosive	II	1,2	1,2	Glass carboy in hampers not permitted under deck
*	1,3-Dichloroacetone	6.1	UN 2649	Poison	II	1,3	1	Keep cool. Stow 'away from' living quarters
	Dichloroacetyl chloride	8	UN 1754	Corrosive	II	1	5	Keep dry
	Dichloroanilines	6.1	UN 1590	Poison	II	1,2	1,2	Stow 'away from' acids
	p-Dichlorobenzene	9	UN 1592	None	III	1,2	1,2	Stow 'away from' foodstuffs
	Dichlorobenzenes (o, m-)	6.1	UN 1591	St. Andrews Cross	III	1,2	1,2	
*	Di-(4-chlorobenzoyl) peroxide, <i>maximum concentration 52% as a paste</i>	5.2	UN 2114	Organic Peroxide	II	1	5	
*	Di-(4-chlorobenzoyl) peroxide, <i>maximum concentration 52% in solu- tion</i>	5.2	UN 2115	Organic Peroxide	II	1	5	
*	Di-(4-chlorobenzoyl) peroxide, <i>maximum concentration 75% with water</i>	5.2	UN 2113	Organic Peroxide	II	1	5	
	Dichlorodifluoromethane	2.2	UN 1028	Nonflammable Gas	—	1,2	1,2	
*	sym-Dichlorodimethyl ether	6.1	UN 2249	Poison, Flammable Liquid	I	1	5	Stow 'away from' living quarters. Segrega- tion same as for flammable liquids
	1,1-Dichloroethane	3.2	UN 2362	Flammable Liquid	II	1,2	1	
	Dichloroethylene	3.2	UN 1150	Flammable Liquid	II	1,2	1	
	Dichloroethyl ether	3.3	UN 1916	Flammable Liquid, Poison	II	1,2	1,2	
	Dichloroisocyanuric acid, <i>dry</i> or dichloroisocyanuric acid salts	5.1	UN 2465	Oxidizer	II	1,2	1,2	
	Dichloroisopropyl ether	6.1	UN 2490	Poison	II	1,2	1	
*	Dichloromethane	6.1	UN 1593	St. Andrews Cross	III	1,2	1,2	Shade from radiant heat
	Dichloromonofluoromethane	2.2	UN 1029	Nonflammable Gas	—	1,2	1,2	
*	1,1-Dichloro-1-nitroethane	6.1	UN 2650	Poison	II	1,3	1,3	Keep cool. Stow 'away from' living quarters
	Dichloropentanes	3.3	UN 1152	Flammable Liquid	II	1,2	1,2	
*	Dichlorophenyl isocyanates	6.1	UN 2250	Poison	II	1,3	1,3	Shade from radiant heat. Stow 'away from' living quarters
	Dichlorophenyl trichlorosilane	8	UN 1766	Corrosive	II	1	1	Keep dry
*	1,3-Dichloropropanol-2	6.1	UN 2750	Poison	II	1,3	1,3	Keep cool. Stow 'away from' living quarters
	Dichloropropene	3.3	UN 2047	Flammable Liquid	II	1,2	1,2	
	Dichlorosilane	2.3	UN 2189	Poison Gas, Flammable Gas	—	1	5	Stow 'away from' living quarters
	Dichlorotetrafluoroethane	2.2	UN 1958	Nonflammable Gas	—	1,2	1,2	
*	Dicumyl peroxide, <i>technical pure or with inert solid</i>	5.2	UN 2121	Organic Peroxide	II	1	5	
	Dicyclohexylamine	8	UN 2565	Corrosive	III	1	5	Keep dry
*	Dicyclohexylammonium nitrate	6.1	UN 2687	St. Andrews Cross	III	1,2	1,2	
*	Dicyclohexyl peroxydicarbonate, <i>maximum concentration 91% with water</i>	5.2	UN 2153	Organic Peroxide	I	1	5	Control temperature 5 deg C. Emergency temperature 10 deg C
*	Dicyclohexyl peroxydicarbonate, <i>technical pure</i>	5.2	UN 2152	Organic Peroxide	I	1	5	Control temperature 5 deg C. Emergency temperature 10 deg C
	Dicyclopentadiene	3.3	UN 2048	Flammable Liquid	II	1,2	1,2	
*	Didecanoyl peroxide, <i>technical pure</i>	5.2	UN 2120	Organic Peroxide	II	1	5	Control temperature 15 deg C. Emergency temperature 20 deg C
*	Di-2,4-dichlorobenzoyl peroxide, <i>maximum concentration 75% with water</i>	5.2	UN 2137	Organic Peroxide	II	1	5	
*	Di-2,4-dichlorobenzoyl peroxide, <i>maximum concentration 52% as a paste</i>	5.2	UN 2138	Organic Peroxide	II	1	5	
*	Di-2,4-dichlorobenzoyl peroxide, <i>maximum concentration 52% in solution</i>	5.2	UN 2139	Organic Peroxide	II	1	5	
	Didymium nitrate	5.1	UN 1465	Oxidizer	III	1,2	1,2	
	Diethoxymethane	3.1	UN 2373	Flammable Liquid	II	1,3	5	Keep cool
*	3,3-Diethoxypropene	3.2	UN 2374	Flammable Liquid	II	1,2	1	
	Diethylaluminum chloride	4.2	UN 1101	Spontaneously Combustible	I	1	1	
	Diethylamine	3.1	UN 1154	Flammable Liquid	II	1,3	5	Keep cool
*	Diethylaminoethanol	3.3	UN 2686	Flammable Liquid	III	1,2	1,2	
*	3-(Diethylamino) propylamine	8	UN 2684	Corrosive, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
	<—&Diethylaniline	6.1	UN 2432	St. Andrews Cross	III	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c) Other requirements
						Cargo vessel	Pass- enger vessel	
	Diethylbenzene	3.3	UN 2049	Flammable Liquid	II	1,2	1,2	
	Diethylcarbinol	3.3	UN 2706	Flammable Liquid	II	1,2	1,2	
	Diethyl carbonate	3.3	UN 2366	Flammable Liquid	II	1,2	1,2	
	Diethyl dichlorosilane	8	UN 1767	Corrosive, Flammable Liquid	II	1	1	Keep dry. Separate longitudinally by an inter- vening compartment or hold from ex- plosives. Segregation same as for flamma- ble liquids
	<--&Diethylene diamine	8	UN 2685	Corrosive, Flammable Liquid	II	1,3	1,3	Keep cool. Segregation same as for flamma- ble liquids
N	Diethyleneglycol dinitrate, containing, by weight, at least 25% non- soluble water-insoluble phlegmatizer	1.1D	UN 0075	Explosive (1.1D)	--	--	--	
	Diethylenetriamine	8	UN 2079	Corrosive	II	1,2	1,2	Stow 'away from' acids, copper and copper alloys, and living quarters; separated from nitric acid
	Diethyl ether	3.1	UN 1155	Flammable Liquid	I	1,3	5	Keep cool
	Di-(2-ethylhexyl) peroxydicarbonate, maximum concentration 67% in solution	5.2	UN 2123	Organic Peroxide	II	1	5	Control temperature -15 deg C. Emergency temperature -5 deg C
	Di-(2-ethylhexyl) peroxydicarbonate, technical pure	5.2	UN 2122	Organic Peroxide	II	1	5	Control temperature -20 deg C. Emergency temperature -10 deg C
	Diethyl ketone	3.2	UN 1156	Flammable Liquid	II	1,2	1	
	Diethylmagnesium	4.2	UN 1367	Spontaneously Combustible	I	1	5	Prohibited on any ship carrying explosives (except explosives in Division 1.4, Com- patibility Group S)
	Diethyl-p-nitrosoaniline	4.2	--	Spontaneously Combustible	--	1,2	5	
	Diethyl peroxydicarbonate, maximum concentration 27% in solution	5.2	UN 2175	Organic Peroxide	II	1	5	Control temperature -10 deg C. Emergency temperature 0 deg C
	Diethyl sulfide	3.2	UN 2375	Flammable Liquid, Poison	II	1,3	5	Keep cool and dry
	Diethyl sulphate	6.1	UN 1594	Poison	II	1	1	
	Diethylthiophosphoryl chloride	8	UN 2751	Corrosive, Flammable Liquid	II	1	5	Keep cool and dry. Segregation same as for flammable liquids
	Diethylzinc	4.2	UN 1366	Spontaneously Combustible	I	1	5	Prohibited on any ship carrying explosives (except explosives in Division 1.4, Com- patibility Group S)
	1,1-Difluoroethane	2.1	UN 1030	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	1,1-Difluoroethylene	2.1	UN 1959	Flammable Gas	--	1,2	5	Stow 'away from' living quarters
	Difluoromonoethane	2.1	UN 2517	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Difluorophosphoric acid, anhydrous	8	UN 1768	Corrosive	II	1,2	1,2	
	2,2-Dihydroperoxy propane, maximum concentration 25% with inert organic solid	5.2	UN 2178	Organic Peroxide	II	1	5	
	2,3-Dihydropyran	3.2	UN 2376	Flammable Liquid	II	1,2	1	
	Diisobutylamine	3.3	UN 2361	Flammable Liquid	II	1,2	1,2	
	Diisobutylene, (isomeric compounds)	3.2	UN 2050	Flammable Liquid	II	1,2	1	
	Diisobutyl ketone	3.3	UN 1157	Flammable Liquid	III	1,2	1,2	
	Diisooctyl acid phosphate	8	UN 1902	Corrosive	III	1,2	1,2	Glass carboys in hampers not permitted under deck
	Diisopropylamine	3.2	UN 1158	Flammable Liquid	II	1,2	1	
	Diisopropylbenzene hydroperoxide, maximum concentration 72% in solution	5.2	UN 2171	Organic Peroxide	I	1	5	
	<--&Diisopropyl ethanolanine	8	UN 2825	Corrosive	III	1,2	1,2	Stow 'away from' caustic alkalis
	Diisopropyl ether	3.1	UN 1159	Flammable Liquid	II	1,3	5	Keep cool
	Diisopropyl peroxydicarbonate, technical pure	5.2	UN 2133	Organic Peroxide	II	1	5	Control temperature -15 deg C. Emergency temperature -5 deg C
	Diisopropyl peroxydicarbonate, maximum concentration 52% in so- lution	5.2	UN 2134	Organic Peroxide	II	1	5	Control temperature -10 deg C. Emergency temperature 0 deg C
	Diketene, inhibited	3.3	UN 2521	Flammable Liquid	II	1,2	1,2	
	Dilauroyl peroxide, maximum concentration 42%, stable dispersion in water	5.2	UN 2983	Organic Peroxide	II	1	5	
	Dilauroyl peroxide, technical pure	5.2	UN 2124	Organic Peroxide	II	1	5	
	1,1-Dimethoxyethane	3.2	UN 2377	Flammable Liquid	III	1,2	1	
	1,2-Dimethoxyethane	3.2	UN 2252	Flammable Liquid	II	1,2	1	
	Dimethylamine, anhydrous	2.1	UN 1032	Flammable Gas	--	1,2	5	Stow 'away from' living quarters
	Dimethylamine, solution	3.2	UN 1160	Flammable Liquid	II	1,2	1	
	2-Dimethylaminoacetonitrile	3.3	UN 2378	Flammable Liquid, Poison	II	1,2	1,2	
	Dimethylaminoethyl methacrylate	6.1	UN 2522	Poison	II	1,2	1	
	<--&Dimethylaniline	6.1	UN 2253	Poison	II	1,3	1,3	Stow 'away from' sources of heat
	2,5-Dimethyl-2,5-bis-(tert-butylperoxy) hexane, maximum concentra- tion 52% with inert solid	5.2	UN 2156	Organic Peroxide	II	1	5	
	2,5-Dimethyl-2,5-bis-(tert-butylperoxy) hexane, technical pure	5.2	UN 2155	Organic Peroxide	II	1	5	
	2,5-Dimethyl-2,5-bis-(tert-butylperoxy) hexyne-3, maximum concentra- tion 52% with inert solid	5.2	UN 2159	Organic Peroxide	II	1	5	
	2,5-Dimethyl-2,5-bis-(tert-butylperoxy) hexyne-3, technical pure	5.2	UN 2158	Organic Peroxide	II	1	5	
	2,5-Dimethyl-2,5-bis-(2-ethylhexanoylperoxy) hexane, technical pure	5.2	UN 2157	Organic Peroxide	II	1	5	Control temperature 20 deg C. Emergency temperature 25 deg C
	2,3-Dimethylbutane	3.1	UN 2457	Flammable Liquid	II	1,3	5	Keep cool
	1,3-Dimethylbutylamine	3.2	UN 2379	Flammable Liquid	II	1,2	1	
	<--&Dimethylcarbamoyl chloride	8	UN 2262	Corrosive	II	1,2	1,2	
	Dimethyl carbonate	3.2	UN 1161	Flammable Liquid	II	1,2	1	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identi- fication Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pa- senger vessel	Other requirements
	Dimethylcyclohexanes	3.2	UN 2263	Flammable Liquid	II	1,2	1	
*	<--&Dimethylcyclohexylamine	8	UN 2264	Corrosive, Flammable Liquid	II	1,3	1,3	Keep cool. Segregation same as for flamma- ble liquids
	<--&Dimethylcyclohexylamine	8	UN 2264	Corrosive	II	1,2	1,2	Keep cool. Segregation same as for flamma- ble liquids
*	2,5-Dimethyl-2,5-di-(benzoylperoxy) hexane, maximum concentration 82% with inert solid	5.2	UN 2173	Organic Peroxide	II	1	5	
*	2,5-Dimethyl-2,5-di-(benzoylperoxy) hexane, technical pure	5.2	UN 2172	Organic Peroxide	II	1	5	
	Dimethyldichlorosilane	3.2	UN 1162	Flammable Liquid, Corrosive	I	1,2	1	
	Dimethyldiethoxysilane	3.2	UN 2380	Flammable Liquid	II	1,2	1	
	2,5-Dimethyl-2,5-dihydroperoxy hexane, maximum concentration 82% with water	5.2	UN 2174	Organic Peroxide	I	1	5	
	Dimethyldioxanes	3.2	UN 2707	Flammable Liquid	II	1,2	1	
	Dimethyldioxanes	3.3	UN 2707	Flammable Liquid	II	1,2	1,2	
	Dimethyl disulfide	3.2	UN 2381	Flammable Liquid	II	1,2	1	
	Dimethylethanolamine	3.3	UN 2051	Flammable Liquid	II	1,3	1,3	
	Dimethyl ether	2.1	UN 1033	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
*	<--&Dimethylformamide	3.3	UN 2265	Flammable Liquid	III	1,2	1,2	
	Dimethylhydrazine, symmetrical	3.2	UN 2382	Flammable Liquid, Poison	I	1,3	5	Keep cool
	Dimethylhydrazine, unsymmetrical	3.2	UN 1163	Flammable Liquid	I	1,2	1	Stow 'separated from' corrosive liquids and oxidizers
*	Dimethylmagnesium	4.2	UN 1368	Spontaneously Combustible	I	1	5	Prohibited on any ship carrying explosives (except explosives in Division 1.4, Com- patibility Group 5)
	Dimethyl-p-nitrosoaniline	4.2	UN 1369	Spontaneously Combustible	II	1,2	5	Stow 'away from' foodstuffs
	2,2-Dimethylpropane	2.1	UN 2044	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Dimethyl-N-propylamine	3.2	UN 2266	Flammable Liquid, Corrosive	II	1,2	1	
*	Dimethyl sulphate	6.1	UN 1595	Poison	I	1	5	Stow 'away from' living quarters
	Dimethyl sulphide	3.1	UN 1164	Flammable Liquid	I	1,3	5	Keep cool
	Dimethyl thiophosphoryl chloride	8	UN 2267	Corrosive	III	1,2	1	Keep dry. Shade from radiant heat. Glas carboys prohibited on passenger vessels
*	Dimethylzinc	4.2	UN 1370	Spontaneously Combustible	I	1	5	Prohibited on any ship carrying explosives (except explosives in Division 1.4, Com- patibility Group 5)
*	Dimyristylperoxydicarbonate, maximum concentration 22%, stable dispersion in water	5.2	UN 2892	Organic Peroxide	II	1	5	Control temperature 20 deg C. Emergency temperature 25 deg C
*	Dimyristylperoxydicarbonate, technical pure	5.2	UN 2595	Organic Peroxide	II	1	5	Control temperature 20 deg C. Emergency temperature 25 deg C
	Dinitroanilines	6.1	UN 1596	Poison	II	1,2	1,2	
	Dinitrobenzenes (o-, m-, p-)	6.1	UN 1597	Poison	II	1,2	1,2	
	Dinitrogen tetroxide. See Nitrogen dioxide							
N	Dinitrophenates (alkali metals), dry or containing, by weight, less than 15% water	1.3C	UN 0077	Explosive (1.3C), Poison	--	--	--	
*	Dinitrophenolates, wetted with, by weight, at least 15% water	4.1	UN 1321	Flammable Solid, Poison	I	1,2	5	Stow 'away from' heavy metals and their compounds
N	Dinitrophenol, dry or containing, by weight, less than 15% water	1.1D	UN 0076	Explosive (1.1D), Poison	--	--	--	
*	Dinitrophenol, solution in water or flammable liquid	6.1	UN 1599	Poison, Flammable Liquid (only if flashpoint between 23 deg C and 61 deg C)	II	1,2	5	Stow 'away from' heavy metals and their compounds. Segregation same as for flamma- ble liquids if flash point below 61 deg C
*	Dinitrophenol, wetted with, by weight, at least 15% water	4.1	UN 1320	Flammable Solid, Poison	I	1,2	5	Stow 'away from' heavy metals and their compounds and sodium compounds
N	Dinitroresorcinol, dry or containing, by weight, less than 15% water	1.1D	UN 0078	Explosive (1.1D)	--	--	--	
*	Dinitroresorcinol, wetted with, by weight, at least 15% water	4.1	UN 1322	Flammable Solid	I	1,2	5	Stow 'away from' heavy metals and their compounds
*N	Dinitrosobenzene	1.3C	UN 0406	Explosive (1.3C)	--	--	--	
	Dinitrotoluenes, liquid	6.1	UN 1600	Poison, Flammable Liquid	II	1,2	1,2	Segregation same as for flammable liquids
	Dinitrotoluenes, solid	6.1	UN 2038	Poison	II	1,2	1,2	
*	Di-n-nonyl peroxide, technical pure	5.2	UN 2130	Organic Peroxide	II	1	5	Control temperature 0 deg C. Emergency temperature 10 deg C
*	Di-n-octanoyl peroxide, technical pure	5.2	UN 2129	Organic Peroxide	II	1	5	Control temperature 10 deg C. Emergency temperature 15 deg C
	Dioxane	3.2	UN 1165	Flammable Liquid	II	1,2	1	
	Dioxolane	3.2	UN 1166	Flammable Liquid	II	1,2	1	
	Dipentene	3.3	UN 2052	Flammable Liquid	II	1,2	1,2	
	Diphenylaminechlorarsine	6.4	UN 1698	Poison	I	1	5	
*	Diphenylchlorarsine	6.1	UN 1699	Poison	I	1	5	Stow 'away from' living quarters
	Diphenyl dichlorosilane	8	UN 1769	Corrosive	II	1	1	Keep dry
	Diphenylmethane diisocyanate (M.D.I.)	9	UN 2489	Noise	III	1,3	1,3	Stow 'away from' foodstuffs
	Diphenylmethyl bromide	8	UN 1770	Corrosive	II	1	5	
*N	Dipicryl sulfide, dry or containing, by weight, less than 10% water	1.1D	UN 0401	Explosive (1.1D)	--	--	--	
*	Dipicryl sulphide, wetted with, by weight, at least 10% water	4.1	UN 2852	Flammable Solid	I	1	5	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identi- fication Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c) Other requirements
						Cargo vessel	Pass- enger vessel	
	Dipropionyl peroxide, maximum concentration 28% in solution	5.2	UN 2132	Organic Peroxide	II	1	5	Control temperature 15 deg. C. Emergency temperature 20 deg. C
	Dipropylamine	3.2	UN 2383	Flammable Liquid	II	1,2	1	
	Dipropyl ether	3.1	UN 2384	Flammable Liquid	II	1,3	5	Keep cool
	Di-n-propyl peroxydicarbonate, technical pure	5.2	UN 2176	Organic Peroxide	I	1	5	Control temperature -25 deg. C. Emergency temperature -15 deg. C
	Disinfectants, corrosive, liquid	8	UN 1903	Corrosive	II	1,2	1,2	
	Distearylperoxydicarbonate, with 15% of stearyl alcohol	5.2	UN 2592	Organic Peroxide	II	1	5	
	Disuccinic acid peroxide. See Succinic acid peroxide							
	Disuccinic acid peroxide, technical pure	5.2	UN 2135	Organic Peroxide	I	1	5	
	Dithiocarbamate pesticides, liquid, n.o.s.	6.1	UN 2771	Poison	I	1	1	
		6.1	UN 2771	Poison	II	1,2	1	
		6.1	UN 2771	St. Andrews Cross	III	1,2	1,2	
	Dithiocarbamate pesticides, liquid, n.o.s., flashpoint between 23 deg. C and 61 deg. C	6.1	UN 2771	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2771	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2771	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
	Dithiocarbamate pesticides, n.o.s., flashpoint below 23 deg. C	3.2	UN 2772	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
	Dithiocarbamate pesticides, solid, n.o.s.	6.1	UN 2771	Poison	I/II	1,2	1,2	
		6.1	UN 2771	St. Andrews Cross	III	1,2	1,2	
	Divinyl ether, inhibited	3.1	UN 1167	Flammable Liquid	II	1,3	5	Keep cool
	Dodecyl trichlorosilane	8	UN 1771	Corrosive	II	1	1	Keep dry
	Dressing, leather. See Flammable liquid preparations, n.o.s.							
	Driers, paint or varnish, liquid, n.o.s.	3.2	UN 1168	Flammable Liquid	II	1,2	1	
		3.3	UN 1168	Flammable Liquid	II	1,2	1,2	
	Driers, paint or varnish, solid, n.o.s.	4.1	UN 1371	Flammable Solid	III	1,2	1,2	
	Dyes, n.o.s. or Dye intermediates, n.o.s., liquid or solid, corrosive	8	UN 2801	Corrosive	II/III	1,2	1,2	Stow 'away from' foodstuffs and living quarters
	Dyes, n.o.s. or Dye intermediates, n.o.s., poisonous	6.1	UN 1602	Poison, Flammable Liquid (only if flashpoint between 23 and 61 deg. C)	I/II	1,2	1,2	If flashpoint below 61 deg. C, segregation same as for flammable liquids
		6.1	UN 1602	St. Andrews Cross	III	1,2	1,2	
	Electrolyte, acid. See Battery fluid, acid							
	Electrolyte, alkaline. See Battery fluid, alkaline corrosive							
	Enamels. See Paints, etc.							
	Engine starting fluid, with flammable gas	2.1	UN 1960	Flammable Gas	-	1,2	5	Stow 'away from' living quarters
	Epibromohydrin	6.1	UN 2558	Poison	I	1	5	
	Epichlorohydrin	6.1	UN 2023	Poison, Flammable Liquid	II	1,2	1,2	Segregation same as for flammable liquids. Stow 'away from' living quarters
	1,2-Epoxy-3-ethoxy propane	3.3	UN 2752	Flammable Liquid	III	1,2	1,2	
	Eradicators, paint or grease, liquid. To be classified and labeled according to the principle hazardous constituent	-	UN 1850		-	1,2	1	
	Essences. See Extracts, aromatic, liquid							
	Ethane, compressed	2.1	UN 1035	Flammable Gas	-	1,2	5	
	Ethane, refrigerant liquid	2.1	UN 1961	Flammable Gas	-	1	5	
	Ethanolamine, and solutions thereof	8	UN 2491	Corrosive	III	1,2	1,2	Stow 'away from' copper, copper alloys, copper compounds and rubber products
	Ethanol or Ethanol solutions including Alcoholic beverages	3.2	UN 1170	Flammable Liquid	II	1,2	1	
		3.3	UN 1170	Flammable Liquid	III	1,2	1,2	
	Ether. See Diethyl ether							
	1-Ethoxyethyl acetate	3.3	UN 1172	Flammable Liquid	III	1,2	1,2	
	Ethyl acetate	3.2	UN 1173	Flammable Liquid	II	1,2	1	
	Ethyl acrylate, inhibited	3.2	UN 1917	Flammable Liquid	II	1,2	1	
	Ethyl alcohol. See Ethanol							
	Ethyl aldehyde. See Acetaldehyde							
	Ethyl aluminium dichloride	4.2	UN 1924	Spontaneously Combustible	I	1	1	
	Ethyl aluminium sesquichloride	4.2	UN 1925	Spontaneously Combustible	I	1	1	
	Ethylamine	2.1	UN 1036	Flammable Gas	-	1,2	5	
	Ethylamine solution in water, concentrations up to 70%	3.1	UN 2270	Flammable Liquid	II	1,3	5	Keep cool
	Ethylamine solution, in water, concentrations up to 70%	3.2	UN 2270	Flammable Liquid	II	1,2	1	
		3.3	UN 2270	Flammable Liquid	II	1,2	1,2	
	Ethyl amyl ketone	3.3	UN 2271	Flammable Liquid	III	1,2	1,2	
	N-Ethylaniline	6.1	UN 2272	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
	1-Ethylaniline	6.1	UN 2273	St. Andrews Cross	III	1,2	1,2	
	Ethylbenzene	3.3	UN 1175	Flammable Liquid	II	1,2	1,2	
	N-Ethyl-n-benzylaniline	6.1	UN 2274	St. Andrews Cross	III	1,2	1,2	Stow 'away from' living quarters
	N-ethylbenzyltoluidines	6.1	UN 2753	St. Andrews Cross	III	1,3	1,3	Keep cool
	Ethyl-3,3-bis-(tert-butylperoxy) butyrate, maximum concentration 7% in solution	5.2	UN 2185	Organic Peroxide	II	1	5	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Storage Requirements		
						(a) Cargo vessel	(b) Pas- senger vessel	(c) Other requirements
	Ethyl-3,3-bis-(tert-butylperoxy) butyrate, <i>technical pure</i>	5.2	UN 2184	Organic Peroxide	II	1	5	
	Ethyl-3,3-bis-(tert-butylperoxy)butyrate, with at least 50% inert, inorganic solid	5.2	UN 2598	Organic Peroxide	II	1	5	
	Ethyl borate	3.2	UN 1176	Flammable Liquid	II	1,2	1	
	Ethyl bromide	9	UN 1891	None	II	1,2	1,2	Stow 'away from' foodstuffs and living quarters
*	Ethyl bromoacetate	6.1	UN 1603	Poison, Flammable Liquid	II	1	5	Stow 'away from' living quarters. Segregation same as for flammable liquids
	2-Ethylbutanol	3.3	UN 2275	Flammable Liquid	III	1,2	1,2	
	Ethylbutyl acetate	3.3	UN 1177	Flammable Liquid	III	1,2	1,2	
	Ethyl butyl ether	3.2	UN 1179	Flammable Liquid	II	1,2	1	
	2-Ethylbutyraldehyde	3.2	UN 1178	Flammable Liquid	II	1,2	1	
	Ethyl butyrate	3.3	UN 1180	Flammable Liquid	II	1,2	1,2	
	Ethyl chloride	2.1	UN 1037	Flammable Gas	-	1,2	5	Stow 'away from' living quarters
	Ethyl chloroacetate	3.3	UN 1181	Flammable Liquid	II	1,2	1,2	
	Ethyl chloroacetate. See Ethyl chloroformate							
	Ethyl chloroformate	3.2	UN 1182	Flammable Liquid, Poison, Corrosive	I	1,2	1	
*	Ethyl chloroformate	8	UN 2826	Corrosive	II	1,2	1,2	
	Ethyl crotonate	3.2	UN 1862	Flammable Liquid	II	1,2	1	
*	Ethyl cyanoacetate	6.1	UN 2666	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
*	Ethyl dichloroarsine	6.1	UN 1892	Poison	I	1	5	Stow 'away from' living quarters
*	Ethyl dichlorosilane	3.2	UN 1183	Flammable Liquid, Corrosive	II	1,2	1	
	Ethylene chlorohydrin. See 2-Chloroethanol							
	Ethylene, compressed	2.1	UN 1962	Flammable Gas	-	1,2	5	Stow 'away from' living quarters
*	Ethylenediamine	8	UN 1604	Corrosive, Flammable Liquid	II	1,2	1,2	Segregation same as for flammable liquids
*	Ethylene dibromide	6.1	UN 1605	Poison	II	1,2	1,2	Stow 'away from' living quarters
*	Ethylene dichloride	3.2	UN 1184	Flammable Liquid, Poison	II	1,2	1	
*	Ethylene glycol diethyl ether	3.3	UN 1153	Flammable Liquid	III	1,2	1,2	
*	Ethylene glycol monobutyl ether	6.1	UN 2369	St. Andrews Cross, Flammable Liquid (only if flashpoint below 61 deg C)	III	1,3	1,3	Shade from radiant heat. Stow 'away from' living quarters. If flashpoint below 61 deg C, segregation same as for flammable liquids
*	Ethylene glycol monoethyl ether	3.3	UN 1172	Flammable Liquid	III	1,2	1,2	
	Ethylene glycol monoethyl ether acetate. See 2-Ethoxyethyl acetate							
	Ethylene glycol monomethyl ether	3.3	UN 1188	Flammable Liquid	III	1,2	1,2	
	Ethylene glycol monomethyl ether acetate	3.3	UN 1189	Flammable Liquid	III	1,2	1,2	
	Ethylenimine, inhibited	3.2	UN 1185	Flammable Liquid, Poison	I	1,2	1	
	Ethylene, liquid	2.1	UN 1038	Flammable Gas	-	1,2	5	Stow 'away from' living quarters
	Ethylene oxide and carbon dioxide, mixtures containing not more than 10% carbon dioxide	2.1	UN 1041	Flammable Gas	-	1,2	1	Stow 'away from' living quarters
	Ethylene oxide and carbon dioxide, mixtures containing not more than 17% of ethylene oxide	2.1	UN 1952	Flammable Gas	-	1,2	1	Stow 'away from' living quarters
	Ethylene oxide, containing not more than 0.2% of nitrogen	2.1	UN 1040	Flammable Gas	-	1,2	1	Stow 'away from' living quarters
*	Ethylene, refrigerated liquid	2.1	UN 1038	Flammable Gas	-	1	5	
	Ethyl ether. See Diethyl ether							
	Ethyl fluid. See Motor fuel antiknock mixtures.							
	Ethyl formate	3.1	UN 1190	Flammable Liquid	II	1,3	5	Keep cool
	Ethyl hexaldehyde	3.3	UN 1191	Flammable Liquid	III	1,2	1,2	
*	2-Ethylhexylamine	8	UN 2276	Corrosive, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
*	2-Ethylhexylchloroformate	6.1	UN 2748	Poison, Corrosive	II	1,3	1,3	Keep cool and dry. Shade from radiant heat. Stow 'away from' living quarters
	Ethylisobutyrate	3.2	UN 2385	Flammable Liquid	II	1,2	1	
	Ethyl isocyanate	3.2	UN 2481	Flammable Liquid, Poison	I	1	5	Keep cool. Stow 'away from' living quarters and sources of heat
	Ethyl lactate	3.3	UN 1192	Flammable Liquid	III	1,2	1,2	
*	Ethyl mercaptan	3.1	UN 2363	Flammable Liquid, Poison	II	1,3	5	Keep cool and dry. Stow 'away from' foodstuffs and all odor absorbing cargo
	Ethyl methacrylate, inhibited	3.2	UN 2277	Flammable Liquid	II	1,2	1	
	Ethyl methyl ether	2.1	UN 1039	Flammable Gas	-	1,2	1	Stow 'away from' living quarters
	Ethyl methyl ketone	3.2	UN 1193	Flammable Liquid	II	1,2	1	
	Ethyl methyl ketone peroxide(s), maximum concentration 60%	5.2	UN 2127	Organic Peroxide	I	1	5	
	Ethyl methyl ketone peroxide(s), maximum concentration 30%, containing not more than 10% available oxygen	5.2	UN 2550	Organic Peroxide	I	1	5	
*N	Ethyl methyl ketone peroxide(s), maximum concentration 50%, containing more than 10% available oxygen				-	-	-	
	Ethyl nitrite, solutions	3.1	UN 1194	Flammable Liquid	I	1,3	5	Keep cool
	Ethyl orthoformate	3.3	UN 2524	Flammable Liquid	II	1,2	1,2	
*	Ethyl oxalate	6.1	UN 2525	St. Andrews Cross	III	1,2	1	Stow 'away from' living quarters
	Ethylphenyldichlorosilane	8	UN 2435	Corrosive	II	1	1	Keep dry
	1-Ethyl piperidine	3.2	UN 2386	Flammable Liquid	II	1,2	1	
	Ethyl propionate	3.2	UN 1195	Flammable Liquid	II	1,2	1	
	Ethyl propyl ether	3.1	UN 2615	Flammable Liquid	II	1,3	5	Keep cool

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
	Ethyl silicate. <i>See</i> Tetraethyl silicate							
*	Ethylsulphuric acid	8	UN 2571	Corrosive	II	1,2	1	Keep dry. Metal drums only permitted under deck
*	N-Ethyltoluidines (<i>n.m.p.</i>)	6.1	UN 2754	Poison, Flammable Liquid (only if flashpoint below 61 deg C)	II	1,3	1,3	Keep cool. Shade from radiant heat. Stow 'away from' living quarters. If flashpoint below 61 deg C, segregation same as for flammable liquids
	Ethyltrichlorosilane	3.2	UN 1196	Flammable Liquid, Corrosive	II	1,2	1	
N	Explosives, blasting, Type A	1.1D	UN 0081	Explosive (1.1D)	--	--	--	
	Explosives, blasting, Type B	1.5D	UN 0331	Explosive (1.5D)	--	6	5	
N	Explosives, blasting, Type B	1.1D	UN 0082	Explosive (1.1D)	--	--	--	
N	Explosives, blasting, Type C	1.1D	UN 0083	Explosive (1.1D)	--	--	--	
N	Explosives, blasting, Type D	1.1D	UN 0084	Explosive (1.1D)	--	--	--	
	Explosives, blasting, Type E	1.5D	UN 0332	Explosive (1.5D)	--	6	5	
N	Explosives, blasting, Type E	1.1D	UN 0241	Explosive (1.1D)	--	--	--	
*	Extracts, aromatic, liquid	3.2 3.3	UN 1169 UN 1169	Flammable Liquid Flammable Liquid	II/III III	1,2 1,2	1 1,2	
*	Extracts, flavouring, liquid	3.2 3.3	UN 1197 UN 1197	Flammable Liquid Flammable Liquid	II/III III	1,2 1,2	1 1,2	
	Fabric, animal or vegetable, containing more than 5% of animal or vegetable oil	4.2	UN 1373	Spontaneously Combustible	III	1,2	1,2	
	Ferric arsenate	6.1	UN 1606	Poison	II	1,2	1,2	
	Ferric arsenite	6.1	UN 1607	Poison	II	1,2	1,2	
*	Ferric chloride, anhydrous	8	UN 1773	Corrosive	III	1,2	1,2	
*	Ferric chloride, solution	8	UN 2582	Corrosive	III	1,2	1,2	
	Ferric nitrate	5.1	UN 1466	Oxidizer	III	1,2	1,2	
	Ferrocerium	4.1	UN 1323	Flammable Solid	II	1,2	1,2	
	Ferrosilicon, containing between 30% and 90% silicon	4.3	UN 1408	Dangerous When Wet, Poison	III	1,2	1,2	Stow in a well ventilated compartment
	Ferrous arsenate	6.1	UN 1608	Poison	II	1,2	1,2	
*	Ferrous metal borings, cuttings, drillings, filings, shavings, or turnings, in a form liable to self heating	4.2	UN 2793	None	--	1,2	1,2	
	Fertilizer ammoniating solution, containing free ammonia in excess of 35% ammonia	2.2	UN 1043	Nonflammable Gas	--	1,2	5	Stow 'away from' living quarters
	Fibres, animal or vegetable, burnt, wet or damp	4.2	UN 1372	Spontaneously Combustible	III	1,2	1,2	
	Fibres, animal or vegetable, containing more than 5% of animal or vegetable oil	4.2	UN 1373	Spontaneously Combustible	III	1,2	1,2	
	Fibres, vegetable, dry	4.1	--	None	--	1,2	1,2	Stow 'away from' animal or vegetable oils
	Filters, liquid. <i>See</i> Paints, etc.							
	Film from which gelatine has been removed. <i>See</i> Celluloid, scrap							
	Film, motion picture, nitrocellulose base, exposed or unexposed, developed or undeveloped	4.1	UN 1324	Flammable Solid	III	1,2	1,2	Stow 'away from' flammable substances. Maximum 250 Kg. net on deck on passenger vessels
	Film, motion picture, nitrocellulose base, old film	4.1	UN 1324	Flammable Solid	III	1	5	Stow 'away from' flammable substances
	Fire extinguisher charges, corrosive liquid	8	UN 1774	Corrosive	II	1,2	1,2	
	Fire extinguishers, containing compressed or liquefied gas	2.2	UN 1044	Nonflammable Gas	--	1,2	1,2	
*	Firelighters, solid, containing a flammable liquid	4.1	UN 2623	Flammable Solid	II/III	1,2	1,2	
N	Fireworks, Type A	1.1G	UN 0333	Explosive (1.1G)	--	--	--	
N	Fireworks, Type B	1.2G	UN 0334	Explosive (1.2G)	--	--	--	
N	Fireworks, Type C	1.3G	UN 0335	Explosive (1.3G)	--	--	--	
	Fireworks, Type D	1.4G	UN 0336	Explosive (1.4G)	--	1,3	1,3	
	Fireworks, Type D	1.4S	UN 0337	None. Package to be marked '1.4 S'	--	1,3	1,3	
	Fishmeal or fishscrap, antioxidant treated, moisture content greater than 6% but not exceeding 12% by weight, fat content not exceeding 18% by weight	4.1	UN 2216	None. Package to be marked 'Class 4.1'	III	1,2	1,2	Double strip stowage recommended. Provide good surface and through ventilation
	Fishmeal or fishscrap, antioxidant treated, moisture content between 5% and 11% by weight, fat content not more than 18% by weight	9	UN 2216	None	III	2	2	
	Fishmeal or fishscrap, antioxidant treated, unrestricted moisture content, fat content exceeding 18% by weight	4.2	UN 2216	Spontaneously Combustible	II	1,2	1,2	
	Fishmeal or fishscrap, not antioxidant treated, moisture content greater than 6% but not exceeding 12% by weight, fat content not exceeding 15% by weight	4.1	UN 1374	None. Package to be marked 'Class 4.1'	III	1,2	1,2	Double strip stowage recommended. Provide good surface and through ventilation
	Fishmeal or fishscrap, not antioxidant treated, moisture content greater than 6% but not exceeding 12% by weight, fat content not exceeding 12% by weight	9	UN 1374	None	III	1,2	1,2	
	Fishmeal or fishscrap, not antioxidant treated, unrestricted moisture content, fat content exceeding 15% by weight	4.2	UN 1374	Spontaneously Combustible	II	1,2	1,2	
	Flammable liquid preparation, n.o.s.	3.2 3.3	UN 1142 UN 1142	Flammable Liquid Flammable Liquid	II II	1,2 1,2	1 1,2	
*	Flammable liquids, corrosive, n.o.s.	3.1	UN 2924	Flammable Liquid, Corrosive	I/II	1,3	5	Keep cool. Stow 'away from' foodstuffs
		3.2	UN 2924	Flammable Liquid, Corrosive	I/II	1,2	1	
*	Flammable liquids, n.o.s.	3.1 3.2 3.3	UN 1993 UN 1993 UN 1993	Flammable Liquid Flammable Liquid Flammable Liquid	I/II II II	1,3 1,2 1,2	5 1 1,2	Keep cool

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
*	Flammable liquids, toxic, n.o.s.	3.1	UN 1992	Flammable Liquid,	I/II	1,3	5	Keep cool
		3.2	UN 1992	Poison	II	1,2	1	
		3.3	UN 1992	Flammable Liquid, Poison Flammable Liquid, Poison Flammable Liquid, Poison	II	1,2	1,2	
	Flammable solids, n.o.s.	4.1	UN 1325	Flammable Solid	II	1,2	1,2	
N	Flares, aerial	1.3G	UN 0093	Explosive (1.3G)	--	--	--	
*	Flares, aerial	1.4G	UN 0403	Explosive (1.4G)	--	1,3	1,3	
*	Flares, aerial	1.4S	UN 0404	None. Package to be marked '1.4S'	--	1,3	1,3	
N	Flares, surface (other than water-activated flares) Flax, dry. See Fibres, vegetable, dry	1.3G	UN 0092	Explosive (1.3G)	--	--	--	
	Flooboric acid	8	UN 1775	Corrosive	II	1,2	1,2	
	Fluoric acid. See Hydrofluoric acid, solution							
*	Fluorine, compressed	2.3	UN 1045	Poison Gas, Oxidizer	--	1	5	Stow 'away from' foodstuffs, organic materi- als, and living quarters
*	Fluoroacetic acid	6.1	UN 2642	Poison	I	1,3	1,3	Keep cool. Stow 'away from' living quarters
	Fluorobenzene	3.2	UN 2387	Flammable Liquid	II	1,2	1	
	Fluorophosphoric acid, anhydrous	8	UN 1776	Corrosive	II	1,2	1,2	
	Fluorosulphonic acid	8	UN 1777	Corrosive	I	1	5	Keep dry. Stow 'away from' fluorides
	Fluorotoluenes	3.2	UN 2388	Flammable Liquid	II	1,2	1	
		3.3	UN 2388	Flammable Liquid	II	1,2	1,2	
	Floosilicic acid	8	UN 1778	Corrosive	II	1,2	1,2	
*	Formaldehyde solutions	3.3	UN 1198	Flammable Liquid	II	1,2	1,2	
*	Formaldehyde, solutions with a flashpoint above 61 degrees C	9	UN 2209	None	III	1,2	1,2	Stow 'away from' foodstuffs
	Formalin. See Formaldehyde							
	Formic acid	8	UN 1779	Corrosive	II	1,2	1,2	Glass carboy in hampers prohibited
N	Fracturing devices, explosive, for oil wells	1.1D	UN 0099	Explosive (1.1D)	--	--	--	
	Fuel, aviation, turbine engine	3.2	UN 1863	Flammable Liquid	II	1,2	1	
	Fumaryl chloride	8	UN 1780	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on pas- senger vessels
*	Fungicides, (poisonous), n.o.s.	6.1	UN 1609	Poison	I/II	1,2	1,2	Stow 'separated from' foodstuffs.
		6.1	UN 1609	St. Andrews Cross	III	1,2	1,2	Stow 'separated from' foodstuffs.
		9	UN 1609	None	III	1,2	1,2	Stow 'away from' foodstuffs
	Furan	3.1	UN 2389	Flammable Liquid	I	1,3	5	Keep cool
	Furfural	3.3	UN 1199	Flammable Liquid	II	1,2	1,2	
*	Furfuryl alcohol	6.1	UN 2874	St. Andrews Cross	III	1,2	1,2	Stow 'separated from' oxidizing substances
	Furfurylamine	3.3	UN 2526	Flammable Liquid	II	1,2	1,2	
	Fuses, igniter, tubular, metal clad	1.4 G	UN 0103	Explosive (1.4G)	--	1,3	1,3	
N	Fuses, instantaneous, non-detonating	1.3G	UN 0101	Explosive (1.3G)	--	--	--	
	Fusel oil	3.2	UN 1201	Flammable Liquid	II	1,2	1	
	Fuses, safety	1.4 S	UN 0105	None. Package to be marked '1.4 S'	--	1,3	1,3	
	Fuzes, detonating	1.4S	UN 0367	None. Package to be marked '1.4S'	--	1,3	1,3	
	Fuzes, detonating	1.4 B	UN 0257	Explosive (1.4B)	--	1,3	1,3	
N	Fuzes, detonating	1.1B	UN 0106	Explosive (1.1B)	--	--	--	
N	Fuzes, detonating	1.2B	UN 0107	Explosive (1.2B)	--	--	--	
*N	Fuzes, detonating, with protective features	1.1D	UN 0408	Explosive (1.1D)	--	--	--	
*N	Fuzes, detonating, with protective features	1.2D	UN 0410	Explosive (1.2D)	--	--	--	
*N	Fuzes, detonating, with protective features	1.4D	UN 0409	Explosive (1.4D)	--	--	--	
	Fuzes, igniting	1.4S	UN 0368	None. Package to be marked '1.4S'	--	1,3	1,3	
N	Fuzes, igniting	1.3G	UN 0316	Explosive (1.3G)	--	--	--	
N	Fuzes, igniting	1.4G	UN 0317	Explosive (1.4G)	--	--	--	
N	Gaines, with detonator	1.1B	UN 0225	Explosive (1.1B)	--	--	--	
N	Gaines, with detonator	1.2B	UN 0268	Explosive (1.2B)	--	--	--	
N	Gaines, without detonator	1.1D	UN 0042	Explosive (1.1D)	--	--	--	
N	Gaines, without detonator	1.2D	UN 0283	Explosive (1.2D)	--	--	--	
	Gas cartridges	2.1	UN 2037	Flammable Gas	--	--	--	
	Gas drips, hydrocarbon	3.2	UN 1864	Flammable Liquid	II	1,2	1	
	Gas oil	3.3	UN 1202	Flammable Liquid	II	1,2	1,2	
*	Gasoline	3.1	UN 1203	Flammable Liquid	II	1,3	5	Keep cool
	Germane	2.3	UN 2192	Poison Gas, Flammable Gas	--	1	5	Stow 'away from' living quarters
	Germicides, (poisonous), n.o.s.	6.1	(UN 1601)	Poison	I/II	1,2	1,2	Stow 'separated from' foodstuffs.
		6.1	(UN 1601)	St. Andrews Cross	III	1,2	1,2	Stow 'separated from' foodstuffs.
		9	(UN 1601)	None	III	1,2	1,2	Stow 'away from' foodstuffs
*	Glycerol-alpha-monochlorohydrin	6.1	UN 2689	St. Andrews Cross	III	1,2	1,2	
	Glyceryl trinitrate, solution up to 1% in alcohol	3.2	UN 1204	Flammable Liquid	II	1,2	1	
	Glycidaldehyde	3.3	UN 2622	Flammable Liquid, Poison	II	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identi- fication Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a) Cargo vessel	(b) Pas- senger vessel	(c) Other requirements
N	Grenades, hand or rifle, with bursting charge	1.1D	UN 0284	Explosive (1.1D)	--	--	--	
N	Grenades, hand or rifle, with bursting charge	1.2D	UN 0285	Explosive (1.2D)	--	--	--	
N	Grenades, hand or rifle, with bursting charge	1.1F	UN 0292	Explosive (1.1F)	--	--	--	
N	Grenades, hand or rifle, with bursting charge	1.2F	UN 0293	Explosive (1.2F)	--	--	--	
	Grenades, practice, hand or rifle	1.4 S	UN 0110	None. Package to be marked '1.4 S'	--	1,3	1,3	
N	Grenades, practice, hand or rifle	1.2G	UN 0372	Explosive (1.2G)	--	--	--	
N	Grenades, practice, hand or rifle	1.3G	UN 0318	Explosive (1.3G)	--	--	--	
*	Guanidine nitrate	5.1	UN 1467	Oxidizer	III	1,2	1,2	Stow 'separated from' nitro-compounds and chlorates
N	Guanyl nitrosamino guanylidene hydrazine, containing, by weight, at least 30% water	1.1A	UN 0113	Explosive (1.1A)	--	--	--	
N	Guanyl nitrosamino guanyl tetrazene, containing, by weight, at least 30% water or mixture of alcohol and water	1.1A	UN 0114	Explosive (1.1A)	--	--	--	
	Gutta percha, solution	3.3	UN 1205	Flammable Liquid	II	1,2	1,2	
*	Hafnium metal powder, dry	4.2	UN 2545	Spontaneously Combustible	II	1	5	
*	Hafnium metal powder, wetted, with not less than 25% water (a visible excess of water must be present)	4.1	UN 1326	Flammable Solid	II	1,2	5	
*	Halogenated irritating liquids, n.o.s.	6.1	UN 1610	Poison, Flammable Liquid (only if flashpoint between 23 and 61 deg C)	I/II	1	5	Stow 'away from' living quarters. If flashpoint below 61 deg C, segregation same as for flammable liquids
		6.1	UN 1610	St. Andrews Cross, Flammable Liquid (only if flashpoint between 23 and 61 deg C)	III	1	5	Stow 'away from' living quarters. If flashpoint below 61 deg C, segregation same as for flammable liquids
	Hay	4.1	UN 1327	None	III	1,2	1,2	Stow 'away from' animal or vegetable oils
	Helium, compressed	2.2	UN 1046	Nonflammable Gas	--	1,2	1,2	
*	Helium, refrigerated liquid	2.2	UN 1963	Nonflammable Gas	--	1,2	1,2	
	Hemp, dry. See Fibres, vegetable, dry							
*	Heptane, and its isomers	3.2	UN 1206	Flammable Liquid	II	1,2	1	
	n-Heptene	3.2	UN 2278	Flammable Liquid	II	1,2	1	
*	Hexachloroacetone	6.1	UN 2661	Poison	II	1,3	1	Keep cool
*	Hexachlorobenzene	6.1	UN 2729	St. Andrews Cross	III	1,2	1,2	
*	Hexachlorobutadiene	6.1	UN 2279	St. Andrews Cross	III	1,2	1,2	Stow 'away from' living quarters
*	Hexachlorophene	6.1	UN 2875	St. Andrews Cross	III	1,2	1,2	
	Hexadecyl trichlorosilane	8	UN 1781	Corrosive	II	1	1	Keep dry
	Hexadiene	3.1	UN 2458	Flammable Liquid	II	1,3	5	Keep cool
*	Hexaethyl tetraphosphate	6.1	UN 1611	Poison	I/II	1,2	5	Stow 'away from' living quarters
		6.1	UN 1611	St. Andrews Cross	III	1,2	5	Stow 'away from' living quarters
*	Hexaethyl tetraphosphate and compressed gas mixture	2.3	UN 1612	Poison Gas	--	1	5	Stow 'away from' living quarters
		6.1	UN 1612	St. Andrews Cross, Non-flammable Compressed Gas	III	1	5	Shade from radiant heat. Segregation same as for non-flammable gas
	Hexafluoroacetone	2.3	UN 2420	Poison Gas	--	1	5	Stow 'away from' living quarters
*	Hexafluoroacetone hydrate	6.1	UN 2552	Poison	II	1,2	1	Stow 'away from' living quarters
	Hexafluorophosphoric acid	8	UN 1782	Corrosive	II	1,2	1,2	
	Hexafluoropropylene	2.2	UN 1858	Nonflammable Gas	--	1,2	1,2	
	Hexaldehyde	3.3	UN 1207	Flammable Liquid	III	1,2	1,2	
	Hexamethylenediamine, solid	8	UN 2280	Corrosive	III	1,3	1,3	Keep cool
	Hexamethylenediamine, solution	8	UN 1783	Corrosive, Poison	II	1,2	1,2	
*	Hexamethylenediisocyanate	6.1	UN 2281	Poison	II	1,2	1	Keep dry
*	Hexamethylenimine	6.1	UN 2493	Poison, Flammable Liquid	II	1,2	1,2	Shade from radiant heat. Stow 'away from' living quarters. Segregation same as for flammable liquids
*	3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetraoxocyclononane, maximum concentration 52% with inert solid	5.2	UN 2166	Organic Peroxide	II	1	5	
*	3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetraoxocyclononane, maximum concentration 52% in solution	5.2	UN 2167	Organic Peroxide	II	1	5	
*	3,3,6,6,9,9-Hexamethyl-1,2,4,5-tetraoxocyclononane, technical pure	5.2	UN 2165	Organic Peroxide	I	1	5	
	Hexamine	4.1	UN 1328	Flammable Solid	III	1,2	1,2	
*	Hexane, and its isomers	3.1	UN 1208	Flammable Liquid	II	1,3	5	Keep cool
N	Hexanitrodiphenylamine	1.1D	UN 0079	Explosive (1.1D)	--	--	--	
N	Hexanitrostilbene	1.1D	UN 0392	Explosive (1.1D)	--	--	--	
	Hexanols	3.3	UN 2282	Flammable Liquid	III	1,2	1,2	
N	Hexatolal, cast	1.1D	UN 0393	Explosive (1.1D)	--	--	--	
	Hex-1-ene	3.1	UN 2370	Flammable Liquid	II	1,3	5	Keep cool
N	Hexolite, dry or containing, by weight, less than 15% water	1.1D	UN 0118	Explosive (1.1D)	--	--	--	
	Hexyl trichlorosilane	8	UN 1784	Corrosive	II	1	1	Keep dry
*	Hydrazine, anhydrous or Hydrazine aqueous solutions containing more than 64%, by weight, hydrazine	3.3	UN 2029	Flammable Liquid, Poison, Corrosive	I	1	5	
*	Hydrazine hydrate or Hydrazine aqueous solutions containing not more than 64%, by weight, hydrazine	8	UN 2030	Corrosive, Poison	II	1,2	5	Under deck not permitted if containing less than 64% water by weight. Stow 'away from' nitric acids and perchloric acids exceeding 50% acid by weight
	Hydrides, (metal), n.o.s.	4.3	UN 1409	Dangerous When Wet	I	1,2	5	
	Hydriodic acid	8	UN 1787	Corrosive	II	1	1	Glass carboys prohibited on passenger vessels

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
	Hydrobromic acid	I	UN 1788	Corrosive	II	1	1	Glass carboys prohibited on passenger ves- sels. Stow 'away from' fluorides
	Hydrocarbon gases (and mixtures of such gases, compressed), n.o.s.	2.1	UN 1964	Flammable Gas	-	1,2	1	Stow 'away from' living quarters
	Hydrocarbon gases (and mixtures of such gases, liquefied), n.o.s.	2.1	UN 1965	Flammable Gas	-	1,2	1	Stow 'away from' living quarters
	Hydrochloric acid	8	UN 1789	Corrosive	II	1	1	Glass carboys prohibited on passenger ves- sels. Stow 'away from' fluorides
	Hydrocyanic acid, anhydrous. See Hydrogen cyanide							
	Hydrocyanic acid, aqueous solutions, with not more than 20% hydro- cyanic acid	6.1	UN 1613	Poison	I	1	5	Stow 'away from' living quarters
	Hydrofluoric acid, solution	8	UN 1790	Corrosive	I/II	1	5	Keep cool
	Hydrofluoric and sulphuric acid, mixtures. See Acid mixtures, hy- drofluoric and sulphuric							
	Hydrofluosilicic acid. See Fluosilicic acid							
	Hydrogen and methane, mixtures	2.1	UN 2034	Flammable Gas	-	1,2	5	Stow 'away from' living quarters
	Hydrogen bromide, anhydrous	2.3	UN 1048	Poison Gas, Corrosive	-	1	5	Stow 'away from' foodstuffs and living quar- ters
	Hydrogen chloride, anhydrous	2.3	UN 1050	Poison Gas, Corrosive	-	1	5	Stow 'away from' foodstuffs and living quar- ters
	Hydrogen, compressed	2.1	UN 1049	Flammable Gas	-	1,2	5	Stow 'separated from' chlorine, 'away from' living quarters
	Hydrogen cyanide, anhydrous, stabilized	2.3	UN 1051	Poison Gas, Flammable Gas	-	1	5	Stow 'away from' foodstuffs and living quar- ters
	Hydrogen cyanide, anhydrous, stabilized, absorbed in a porous inert material	6.1	UN 1614	Poison	I	1	5	Shade from radiant heat
	Hydrogen fluoride, anhydrous	2.3	UN 1052	Poison Gas, Corrosive	-	1	5	Stow 'away from' foodstuffs and living quar- ters
	Hydrogen iodide, anhydrous	2.3	UN 2197	Poison Gas, Corrosive	-	1	5	Stow 'away from' living quarters
	Hydrogen iodide, solution. See Hydriodic acid							
	Hydrogen, liquid	2.1	UN 1966	Flammable Gas	-	5	5	
	Hydrogen peroxide, concentrations of over 40% up to 60% peroxide	5.1	UN 2014	Oxidizer, Corrosive	II	1	5	Shade from radiant heat. Stow 'away from' powdered metals and 'separated from' per- manganates
	Hydrogen peroxide, concentrations of 8% up to 40% peroxide	5.1	UN 2014	Oxidizer	II	1,2	1	Shade from radiant heat. Stow 'away from' powdered metals and 'separated from' per- manganates
	Hydrogen peroxide, stabilized, concentrations of over 60% peroxide	5.1	UN 2015	Oxidizer, Corrosive	I	1	5	Permitted only under conditions approved by the Department
	Hydrogen, refrigerated liquid	2.1	UN 1966	Flammable Gas	-	5	5	
	Hydrogen selenide	2.3	UN 2202	Poison Gas, Flammable Gas	-	1	5	Stow 'away from' living quarters
	Hydrogen sulphide	2.1	UN 1053	Flammable Gas, Poison Gas	-	1	5	Stow 'away from' foodstuffs and living quar- ters
	Hydroquinone	6.1	UN 2662	St. Andrews Cross	III	1,2	1,2	
	Hydroxylsulfuric acid. See Fluosilicic acid							
	Hydroxylamine sulphate	8	UN 2865	Corrosive	III	1,2	1,2	Keep dry
	Hypochlorite, solutions containing more than 5% available chlorine	8	UN 1791	Corrosive	II/III	1,2	1	Glass carboys in hampers prohibited under deck
	Igniters	1.4 G	UN 0325	Explosive (1.4G)	-	1,3	1,3	
N	Igniters	1.1G	UN 0121	Explosive (1.1G)	-	-	-	
N	Igniters	1.2G	UN 0314	Explosive (1.2G)	-	-	-	
N	Igniters	1.3G	UN 0315	Explosive (1.3G)	-	-	-	
	3,3'-Iminobispropylamine	8	UN 2269	Corrosive	III	1,2	1,2	
	Inflammable gas for lighters. See Lighters, for cigars and cigarettes, containing flammable gas							
	Inflammable liquid preparations, n.o.s. See Flammable liquid prep- arations, n.o.s.							
	Inflammable liquids, (non-toxic), n.o.s. See Flammable liquids, (non- toxic), n.o.s.							
	Inflammable liquids, (toxic), n.o.s. See Flammable liquids, (toxic), n.o.s.							
	Inflammable solids, n.o.s. See Flammable solids, n.o.s.							
	Ink, printers	3.2	UN 1210	Flammable Liquid	II	1,2	1	
		3.3	UN 2867	Flammable Liquid	III	1,2	1,2	
	Insecticide gases, (non-toxic), n.o.s.	2.1	UN 1968	Flammable Gas	-	1,2	1	
		2.2	UN 1968	Nonflammable Gas	-	1,3	1,3	
	Insecticide gases, (toxic), n.o.s.	2.3	UN 1967	Poison Gas	-	1	5	Shade from radiant heat
	Insecticide gases, toxic, n.o.s.	2.3	UN 1967	Poison Gas	-	1	5	Shade from radiant heat
	Iodine monochloride	8	UN 1792	Corrosive	II	1	5	Keep dry
	Iodine pentafluoride	5.1	UN 2495	Oxidizer, Poison	I	1	5	Keep dry
	2-Iodobutane	3.2	UN 2390	Flammable Liquid	II	1,2	1	
	Iodomethylpropanes	3.2	UN 2391	Flammable Liquid	II	1,2	1	
	Iodopropanes	3.2	UN 2392	Flammable Liquid	II	1,2	1	
		3.3	UN 2392	Flammable Liquid	II	1,2	1,2	
	Iron carbonyl	3.1	UN 1994	Flammable Liquid, Poison	I	1	5	Shade from radiant heat
	Iron chloride. See Ferric chloride							
	Iron oxide, spent	4.2	UN 1376	Spontaneously Combustible	III	1,2	5	
	Iron pentacarbonyl. See Iron carbonyl							

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identi- fication Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
	Iron sesquichloride. <i>See</i> Ferric chloride							
	Iron sponge, spent. <i>See</i> Iron oxide, spent							
	Isobutane or isobutane mixtures	2.1	UN 1969	Flammable Gas	--	1.2	1	Stow 'away from' living quarters.
	Isobutanol	3.3	UN 1212	Flammable Liquid	II	1.2	1.2	
	Isobutyl acetate	3.2	UN 1213	Flammable Liquid	II	1.2	1	
	Isobutyl acrylate, inhibited	3.3	UN 2527	Flammable Liquid	II	1.2	1.2	
	Isobutyl alcohol. <i>See</i> Isobutanol							
	Isobutyl aldehyde. <i>See</i> Isobutyraldehyde							
	Isobutylamine	3.2	UN 1214	Flammable Liquid	II	1.2	1	
	Isobutylene	2.1	UN 1055	Flammable Gas	--	1.2	1	Stow 'away from' living quarters
	Isobutyl formate	3.2	UN 2393	Flammable Liquid	II	1.2	1	
	Isobutylisobutyrate	3.3	UN 2528	Flammable Liquid	III	1.2	1.2	
	Isobutyl isocyanate	3.2	UN 2486	Flammable Liquid, Poison	II	1	5	Keep cool. Stow 'away from' living quarters and sources of heat
	Isobutyl methacrylate, inhibited	3.3	UN 2283	Flammable Liquid	III	1.2	1.2	
	Isobutyl methyl ketone peroxide, maximum concentration 62% in solution	5.2	UN 2126	Organic Peroxide	I	1	5	
	Isobutyl propionate	3.2	UN 2394	Flammable Liquid	II	1.2	1	
	Isobutyraldehyde	3.1	UN 2045	Flammable Liquid	II	1.3	5	Keep cool
	Isobutyric acid	3.3	UN 2529	Flammable Liquid	III	1.2	1.2	
	Isobutyric anhydride	3.3	UN 2530	Flammable Liquid	III	1.2	1.2	
	Isobutyronitrile	3.2	UN 2284	Flammable Liquid, Poison	II	1.3	5	Keep cool
	Isobutyryl chloride	3.2	UN 2395	Flammable Liquid, Poison	II	1	1	Keep dry. Shade from radiant heat
	• Isobutyryl peroxide, maximum concentration 52% in solution	5.2	UN 2182	Organic Peroxide	II	1	5	Control temperature -20 deg C. Emergency temperature -10 deg C
	Isocyanates (and solutions), n.o.s.	3.1	UN 2478	Flammable Liquid, Poison	II	1	5	Stow 'away from' living quarters and sources of heat
	Isocyanates (with a boiling point below 300 degrees C and a flashpoint of 23 degrees C or above, and their solutions), n.o.s.	6.1	UN 2206	Poison, Flammable Liquid (only if flashpoint of the substance or solution is below 61 deg C.)	II	1.3	1.3	Shade from radiant heat. Stow 'away from' sources of heat. Segregation same as for flammable liquids if flashpoint below 61 deg C
	Isocyanates (with a boiling point of 300 degrees C and above and their solutions), n.o.s.	9	UN 2207	None	III	1.2	1.2	Stow 'away from' foodstuffs and sources of heat
	Isobutylene	3.1	UN 2287	Flammable Liquid	II	1.3	5	Keep cool
	Isobutylene	3.1	UN 2288	Flammable Liquid	II	1.3	5	Keep cool
	• Isobutylene peroxide. <i>See</i> Bis-(3,3,5-trimethylhexanoyl) peroxide							
	• Isooctene	3.2	UN 1216	Flammable Liquid	II	1.2	1	
	Isopentane	3.1	UN 1265	Flammable Liquid	I	1.2	5	
	Isopentenes	3.1	UN 2371	Flammable Liquid	I	1.3	5	Keep cool
	Isophoronediamine	8	UN 2289	Corrosive	III	1.2	1.2	Glass carboys prohibited on passenger vessels
	Isophorone diisocyanate	6.1	UN 2290	Poison	II	1.2	1	
	Isoprene, inhibited	3.1	UN 1218	Flammable Liquid	I	1.3	5	Keep cool
	Isopropanol	3.2	UN 1219	Flammable Liquid	II	1.2	1	
	Isopropenyl acetate	3.2	UN 2403	Flammable Liquid	II	1.2	1	
	Isopropenylbenzene	3.3	UN 2303	Flammable Liquid	II	1.2	1.2	
	Isopropyl acetate	3.2	UN 1220	Flammable Liquid	II	1.2	1	
	Isopropyl acid phosphate	8	UN 1793	Corrosive	III	1.2	1.2	Glass carboys in hampers prohibited under deck
	Isopropyl alcohol. <i>See</i> Isopropanol							
	Isopropylamine	3.1	UN 1221	Flammable Liquid	I	1.3	5	Keep cool
	Isopropylbenzene	3.3	UN 1918	Flammable Liquid	II	1.2	1.2	
	Isopropyl butyrate	3.3	UN 2405	Flammable Liquid	II	1.2	1.2	
	Isopropyl chloroformate	3.2	UN 2407	Flammable Liquid, Corrosive	II	1.2	1	
	Isopropyl formate	3.2	UN 2408	Flammable Liquid	II	1.2	1	
	Isopropyl isobutyrate	3.2	UN 2406	Flammable Liquid	II	1.2	1	
	Isopropyl isocyanate	3.2	UN 2483	Flammable Liquid, Poison	I	1	5	Keep cool. Stow 'away from' living quarters and sources of heat
	Isopropyl mercaptan	3.1	UN 2703	Flammable Liquid	II	1.3	5	Keep cool and dry. Stow 'away from' food- stuffs and all odor absorbing cargo.
		3.2	UN 2703	Flammable Liquid	II	1.3	1	Keep cool and dry. Stow 'away from' food- stuffs and all odor absorbing cargo
	Isopropyl nitrate	3.2	UN 1222	Flammable Liquid	II	1.2	1	
	Isopropyl propionate	3.2	UN 2409	Flammable Liquid	II	1.2	1	
N	Jet perforating guns, charged, oil well, without detonator	1.1D	UN 0124	Explosive (1.1D)	--	--	--	
	<i>Jute, dry. See</i> Fibres, vegetable, dry							
	<i>Kapok, dry. See</i> Fibres, vegetable, dry							
	Kerosene	3.3	UN 1223	Flammable Liquid	II	1.2	1.2	
	• Ketones, (liquid, non-toxic), n.o.s.	3.1	UN 1224	Flammable Liquid	I/II	1.3	5	Keep cool
		3.2	UN 1224	Flammable Liquid	II	1.2	1	
		3.3	UN 1224	Flammable Liquid	II	1.2	1.2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
*	Ketones, liquid, toxic, n.o.s.	3.1	UN 1224	Flammable Liquid, Poison	I/II	1,3	5	Keep cool
		3.2	UN 1224	Flammable Liquid, Poison	II	1,2	1	
		3.3	UN 1224	Flammable Liquid, Poison	II	1,2	1,2	
	Krypton, compressed	2.2	UN 1056	Nonflammable Gas	—	1,2	1,2	
*	Krypton, refrigerated liquid	2.2	UN 1970	Nonflammable Gas	—	1	5	
	Lacquer base. See Paints, etc.							
	Lacquer chips. See Nitrocellulose, wetted with, by weight, more than 40% flammable liquids.							
	Lacquers. See Paints, etc.							
*	Lauroyl peroxide. See Dilauroyl peroxide				—	—	—	
	Lead acetate	6.1	UN 1616	St. Andrews Cross	III	1,2	1,2	
	Lead arsenates	6.1	UN 1617	Poison	II	1,2	1,2	
	Lead arsenites	6.1	UN 1618	Poison	II	1,2	1,2	
N	Lead azide, containing, by weight, at least 20% water or mixture of alcohol and water	1.1A	UN 0129	Explosive (1.1A)	—	—	—	
*	Lead compounds, soluble, n.o.s.	6.1	UN 2291	St. Andrews Cross	III	1,2	1,2	
	Lead cyanide	6.1	UN 1620	Poison	II	1,2	1,2	Stow 'away from' acids
	Lead dioxide	5.1	UN 1872	Oxidizer	III	1,2	1,2	Stow 'away from' foodstuffs
	Lead dross. See Lead sulphate, containing more than 3% free acid							
	Lead nitrate	5.1	UN 1469	Oxidizer, Poison	II	1,2	1,2	Store 'away from' foodstuffs
	Lead perchlorate	5.1	UN 1470	Oxidizer, Poison	II	1,2	1,2	Stow 'away from' powdered metals and foodstuffs
	Lead peroxide. See Lead dioxide							
N	Lead styphmate, containing, by weight, at least 20% water or mixture of alcohol and water	1.1A	UN 0130	Explosive (1.1A)	—	—	—	
	Lead sulphate, containing more than 3% free acid	8	UN 1794	Corrosive	II	1,2	1,2	
	Life-rails, inflatable	9	—	None	—	1,2	1,2	
	Lighter fuels, cigar and cigarette	3.2	UN 1226	Flammable Liquid	II	1,2	1	
	Lighters for cigars and cigarettes, etc., containing flammable gas	2.1	UN 1057	Flammable Gas	—	1	1	Stow 'away from' living quarters. Not permitted in nonventilated containers
	Lighters for cigars and cigarettes, etc., containing fuel	3.2	UN 1226	Flammable Liquid	II	1,2	1	
	Lighters, fuse	1.4 S	UN 0131	None. Package to be marked 'L4 S'	—	1,3	1,3	
	Liquefied non-flammable gases charged with nitrogen, carbon dioxide or air	2.2	UN 1058	Nonflammable Gas	—	1,2	1,2	
	Lithium alkyls	4.2	UN 2445	Spontaneously Combustible	I	1	1	
	Lithium aluminium hydride	4.3	UN 1410	Dangerous When Wet	I	1,2	5	
	Lithium aluminium hydride, ethereal	4.3	UN 1411	Dangerous When Wet, Flammable Liquid	I	1	5	
	Lithium amide	4.3	UN 1412	Dangerous When Wet	II	1,2	5	
	Lithium borohydride	4.3	UN 1413	Dangerous When Wet	I	1,2	5	
	Lithium hydride	4.3	UN 1414	Dangerous When Wet	I	1,2	5	
*	Lithium hydroxide monohydrate	8	UN 2680	Corrosive	II	1,2	1,2	Keep dry
*	Lithium hydroxide, solution	8	UN 2679	Corrosive	II	1,2	1,2	Glass carboys not permitted under deck on passenger vessels
	Lithium hypochlorite, dry, including mixtures containing more than 39% available chlorine (8.8% available oxygen)	5.1	UN 1471	Oxidizer	II	1,2	1,2	
	Lithium, (metal)	4.3	UN 1415	Dangerous When Wet	II	1,2	5	
*	Lithium nitrate	5.1	UN 2722	Oxidizer	III	1,2	1,2	Keep dry
	Lithium peroxide	5.1	UN 1472	Oxidizer	II	1,2	1,2	
	Lithium silicon	4.3	UN 1417	Dangerous When Wet	II	1,2	1,2	
	London purple	6.1	UN 1621	Poison	II	1,2	1,2	
	Lye. See Sodium hydroxide							
	Magnesium alloys, containing more than 50% magnesium, pellets, turnings or ribbon	4.1	UN 1869	Flammable Solid	III	1,2	1,2	Stow 'away from' nonflammable gases and poisons
	Magnesium aluminium phosphide	4.3	UN 1419	Dangerous When Wet	I	1	5	
	Magnesium arsenate	6.1	UN 1622	Poison	II	1,2	1,2	
	Magnesium bromate	5.1	UN 1473	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals, separated from ammonium compounds
*	Magnesium chlorate	5.1	UN 2723	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds and 'away from' finely powdered metals
	Magnesium diamide	4.2	UN 2004	Spontaneously Combustible	II	1	1	
	Magnesium diphenyl	4.2	UN 2005	Spontaneously Combustible	I	1	1	
	Magnesium hydride	4.3	UN 2010	Dangerous When Wet	I	1,2	5	
	Magnesium nitrate	5.1	UN 1474	Oxidizer	III	1,2	1,2	
*	Magnesium or Magnesium alloys containing more than 50% magnesium, pellets, turnings or ribbon	4.1	UN 1869	Flammable Solid	III	1,2	1,2	Stow 'away from' liquid halogenated hydrocarbons
	Magnesium perchlorate	5.1	UN 1475	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals
	Magnesium peroxide	5.1	UN 1476	Oxidizer	II	1,2	1,2	Keep dry
	Magnesium phosphide	4.3	UN 2011	Dangerous When Wet, Poison	I	1	5	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identi- fication Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
*	Magnesium powder or Magnesium alloys, powder containing more than 50% magnesium, non-pyrophoric	4.3	UN 1418	Dangerous When Wet	II	1,2	1,2	Stow 'away from' liquid halogenated hydrocarbons
*	Magnesium silicide	4.3	UN 2624	Dangerous When Wet	II	1,2	1	
*	Magnesium silicofluoride	6.1	UN 2853	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
*	Maleic anhydride, solid or molten	8	UN 2215	None. Package to be marked 'Class II'	III	1,2	1,2	Stow 'away from' foodstuffs
*	Malononitrile	6.1	UN 2647	Poison	II	1,3	1,3	Keep cool. Stow 'away from' living quarters
	Maneb, or maneb preparation(s) containing 60% or more maneb	4.2	UN 2210	Spontaneously Combustible	III	1,2	1,2	Stow 'away from' acids, living quarters and foodstuffs
	Manganese ethylene-bis-dithiocarbamate. See Maneb.							
*	Manganese nitrate	5.1	UN 2724	Oxidizer	III	1,2	1,2	
*	Manganese resinates	4.1	UN 1330	Flammable Solid	III	1,2	1,2	
N	Mannitol hexanitrate, containing, by weight, at least 40% water or mixture of alcohol and water	1.1D	UN 0133	Explosive (1.1D)	--	--	--	
	Matches, fusee	4.1	UN 2254	Flammable Solid	III	1,2	1,2	
	Matches, safety	9	UN 1944	None	III	1,2	1,2	Keep dry
	Matches, strike anywhere	4.1	UN 1331	Flammable Solid	III	1,2	1	
	Matches, wax 'vesta'	4.1	UN 1945	Flammable Solid	III	1,2	1	
N	Medicines, n.o.s. to be classified and labeled according to the principle hazardous constituent	--	UN 1851		--			
	MEKP. See Ethyl methyl ketone peroxide							
	p-Menthane hydroperoxide, technical pure	5.2	UN 2125	Organic Peroxide	I	1	5	
	Mercaptans and mercaptan mixtures, (liquid), n.o.s.	3.1	UN 1228	Flammable Liquid	II	1,3	5	Keep cool
	Mercuric acetate. See Mercury acetate							
	Mercuric arsenate	6.1	UN 1623	Poison	II	1,2	1,2	
	Mercuric bromide. See Mercury bromides							
	Mercuric chloride	6.1	UN 1624	Poison	II	1,2	1,2	
	Mercuric cyanide. See Mercury cyanide							
	Mercuric nitrate	6.1	UN 1625	Poison	II	1,2	1,2	
	Mercuric oxycyanide. See Mercury oxycyanide							
	Mercuric potassium cyanide	6.1	UN 1626	Poison	I	1,2	1,2	Stow 'away from' acids
	Mercuric sulphate	6.1	UN 1645	Poison	II	1,2	1,2	
	Mercuriol. See Mercury nucleate							
	Mercurous acetate. See Mercury acetate							
	Mercurous bromide. See Mercury bromides							
	Mercurous nitrate. See Mercury acetate							
	Mercurous sulphate	6.1	UN 1628	Poison	II	1,2	1,2	
	Mercury acetate	6.1	UN 1629	Poison	II	1,2	1,2	
	Mercury ammonium chloride	6.1	UN 1630	Poison	II	1,2	1,2	
*	Mercury based pesticides, liquid, n.o.s.	6.1	UN 2777	Poison	I	1	1	
		6.1	UN 2777	Poison	II	1,2	1	
		6.1	UN 2777	St. Andrews Cross	III	1,2	1,2	
*	Mercury based pesticides, liquid, n.o.s., flashpoint between 23 deg C and 61 deg C	6.1	UN 2777	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2777	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2777	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
*	Mercury based pesticides, n.o.s., flashpoint below 23 deg C	3.2	UN 2778	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
*	Mercury based pesticides, solid, n.o.s.	6.1	UN 2777	Poison	I/II	1,2	1,2	
		6.1	UN 2777	St. Andrews Cross	III	1,2	1,2	
	Mercury benzoate	6.1	UN 1631	Poison	II	1,2	1,2	
	Mercury bisulphate	6.1	UN 1633	Poison	II	1,2	1,2	
	Mercury bromides	6.1	UN 1634	Poison	II	1,2	1,2	
*	Mercury compounds, inorganic, n.o.s.	6.1	UN 2024	Poison	I/II	1,2	1,2	
		6.1	UN 2024	St. Andrews Cross	III	1,2	1,2	
*	Mercury compounds, organic, n.o.s.	6.1	UN 2025	Poison	I/II	1,2	1,2	
		6.1	UN 2025	St. Andrews Cross	III	1,2	1,2	
*	Mercury cyanide	6.1	UN 1636	Poison	II	1,2	1,2	Stow 'away from' living quarters and acids
N	Mercury fulminate, containing, by weight, at least 20% water or mixture of alcohol and water	1.1A	UN 0135	Explosive (1.1A)	--	--	--	
	Mercury gluconate	6.1	UN 1637	Poison	II	1,2	1,2	
	Mercury iodide	6.1	UN 1638	Poison	II	1,2	1,2	
*	Mercury, metal	8	UN 2809	Corrosive	III	1,2	1	Stow 'away from' living quarters and azides
	Mercury nucleate	6.1	UN 1639	Poison	II	1,2	1,2	
	Mercury oleate	6.1	UN 1640	Poison	II	1,2	1,2	
	Mercury oxide	6.1	UN 1641	Poison	II	1,2	1,2	
	Mercury oxycyanide	6.1	UN 1642	Poison	II	1,2	1,2	Stow 'away from' acids
	Mercury potassium iodide	6.1	UN 1643	Poison	II	1,2	1,2	
	Mercury talcylate	6.1	UN 1644	Poison	II	1,2	1,2	
	Mercury thiocyanate	6.1	UN 1646	Poison	II	1,2	1,2	
	Mesityl oxide	3.3	UN 1229	Flammable Liquid	II	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c) Other requirements
						Cargo vessel	Pass- enger vessel	
	Metal alkyls, n.o.s.	4.2	UN 2003	Spontaneously Combustible	I	1	5	Shade from radiant heat. Stow 'separated from flammable liquids or gases, oxidizers or organic peroxides
	Metakdehyde	4.1	UN 1332	Flammable Solid	III	1,2	1,2	
	Methacraldehyde	3.2	UN 2396	Flammable Liquid, Poison	II	1,3	5	Keep cool
	Methacrylic acid, inhibited	II	UN 2531	Corrosive	II	1	1	Keep cool. Glass carboys prohibited on pas- senger vessels
	Methallyl alcohol	3.3	UN 2614	Flammable Liquid	II	1,2	1,2	
	Methane or natural gases with a high methane content, compressed	2.1	UN 1971	Flammable Gas	-	1,2	5	Stow 'away from' living quarters
	Methane or natural gases with a high methane content, refrigerated liquid	2.1	UN 1972	Flammable Gas	-	1	5	Stow 'away from' living quarters
	Methanol	3.2	UN 1230	Flammable Liquid, Poison	II	1,2	1	
	Methoxymethyl isocyanate	3.2	UN 2605	Flammable Liquid, Poison	I	1	5	Keep cool. Stow 'away from' living quarters and sources of heat
	4-Methoxy-4-methylpentan-2-one	3.3	UN 2293	Flammable Liquid	III	1,2	1,2	
	Methyl acetate	3.2	UN 1231	Flammable Liquid	II	1,2	1	
	Methyl acetone	3.2	UN 1232	Flammable Liquid	II	1,2	1	
	Methyl acetylene and propadiene mixture, stabilized	2.1	UN 1060	Flammable Gas	-	1,2	1	Stow 'away from' living quarters
	beta-Methyl acrolein. See Crotonaldehyde, inhibited							
	Methyl acrylate, inhibited	3.2	UN 1919	Flammable Liquid	II	1,2	1	
	Methylal	3.1	UN 1234	Flammable Liquid	II	1,3	5	Keep cool
	Methyl alcohol. See Methanol							
	Methyl allyl chloride	3.1	UN 2554	Flammable Liquid	II	1,3	5	Keep cool
	Methyl aluminium sesquibromide	4.2	UN 1926	Spontaneously Combustible	I	1	1	
	Methyl aluminium sesquichloride	4.2	UN 1927	Spontaneously Combustible	I	1	1	
	Methylamine, anhydrous	2.1	UN 1061	Flammable Gas	-	1,2	5	Stow 'away from' living quarters
	Methylamine, aqueous solution	3.1	UN 1235	Flammable Liquid	II	1,3	5	Keep cool. Stow 'away from' mercury and its compounds
	Methylamyl acetate	3.3	UN 1233	Flammable Liquid	III	1,2	1,2	
	Methyl amyl ketone. See Amyl methyl ketone							
	N-Methylaniline	6.1	UN 2294	St. Andrews Cross	III	1,2	1,2	
	Methyl bromide	2.3	UN 1062	Poison Gas	-	1	5	
	Methyl bromide and chloropicrin, mixtures. See Chloropicrin and methyl bromide, mixtures							
	Methyl bromide and ethylene dibromide mixtures, liquid	6.1	UN 1647	Poison	I	1	1	Stow 'away from' living quarters
	Methyl bromoacetate	6.1	UN 2643	Poison	II	1	5	Keep cool. Stow 'away from' living quarters
	2-Methyl-1,3-butadiene. See Isoprene							
	3-Methyl butan-2-one	3.2	UN 2397	Flammable Liquid	II	1,2	1	
	2-Methyl-1-butene	3.1	UN 2459	Flammable Liquid	I	1,3	5	Keep cool
	2-Methyl-2-butene	3.1	UN 2460	Flammable Liquid	II	1,3	5	Keep cool
	Methyl-tert-butyl ether	3.2	UN 2398	Flammable Liquid	II	1,2	1	
	Methyl butyrate	3.2	UN 1237	Flammable Liquid	II	1,2	1	
	Methyl chloride	2.1	UN 1063	Flammable Gas	-	1,2	5	Stow 'away from' living quarters
	Methyl chloride and chloropicrin, mixtures. See Chloropicrin and methyl chloride, mixtures							
	Methyl chloride and methylene chloride, mixtures	2.1	UN 1912	Flammable Gas	-	1,2	5	
	Methyl chloroacetate	3.3	UN 2295	Flammable Liquid	II	1,2	1,2	
	Methyl chlorocarbonate. See Methyl chloroformate							
	Methyl chloroformate	3.2	UN 1238	Flammable Liquid, Poison, Corrosive	I	1,2	1	
	Methylchloromethyl ether	3.1	UN 1239	Flammable Liquid	II	1	5	Keep cool
	Methyl chlorosilane	3.2	UN 2534	Flammable Liquid, Corrosive	I	1,2	1	
	Methyl cyanide	3.2	UN 1648	Flammable Liquid, Poison	II	1,2	1	
	Methyl cyclohexane	3.2	UN 2296	Flammable Liquid	II	1,2	1	
	Methyl cyclohexanol	3.3	UN 2617	Flammable Liquid	III	1,2	1,2	
	Methyl cyclohexanone	3.3	UN 2297	Flammable Liquid	III	1,2	1,2	
	Methyl cyclopentane	3.1	UN 2298	Flammable Liquid	II	1,2	1	
	Methyl dichloroacetate	6.1	UN 2299	St. Andrews Cross	III	1,2	1,2	Stow 'away from' living quarters
	Methyldichlorosilane	3.2	UN 1242	Flammable Liquid, Corrosive	I	1,2	1	
	Methylene bis (phenylene isocyanate). See Diphenylmethane diiso- cyanate							
	Methylene chloride. See Dichloromethane							
	Methyl ethyl ether. See Ethyl methyl ether							
	Methyl ethyl ketone peroxide(s). See Ethyl methyl ketone peroxide							
	Methyl ethyl ketone. See Ethyl methyl ketone							
	2-Methyl-5-ethylpyridine	6.1	UN 2300	St. Andrews Cross	III	1,2	1,2	Stow 'away from' living quarters
	Methyl formate	3.1	UN 1243	Flammable Liquid	I	1,3	5	Keep cool
	2-Methylfuran	3.1	UN 2301	Flammable Liquid	II	1,3	5	Keep cool
	5-Methylhexan-2-one	3.3	UN 2302	Flammable Liquid	III	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
	Methylhydrazine	3.2	UN 1244	Flammable Liquid, Corrosive	I	1,2	1	
*	Methyl iodide	6.1	UN 2644	Poison	II	1,3	1,3	Keep cool. Stow 'away from' living quarters
	Methyl isobutyl carbinol	3.3	UN 2053	Flammable Liquid	III	1,2	1,2	
	Methyl isobutyl ketone	3.2	UN 1245	Flammable Liquid	II	1,2	1	
	Methyl isocyanate and solutions	3.1	UN 2480	Flammable Liquid, Poison	I	1	5	Stow 'away from' living quarters and sources of heat
	Methyl isocyanate (and solutions)	3.2	UN 2480	Flammable Liquid, Poison	I	1	5	Keep cool. Stow 'away from' living quarters and sources of heat
	Methyl isopropenyl ketone, inhibited	3.2	UN 1246	Flammable Liquid	II	1,2	1	
	Methyl isothiocyanate	3.2	UN 2477	Flammable Liquid, Poison	II	1	5	Keep cool. Stow 'away from' living quarters and sources of heat
	Methylisovalerate	3.2	UN 2400	Flammable Liquid	II	1,2	1	
	Methyl magnesium bromide, in ethyl ether	4.2	UN 1928	Spontaneously Combustible	I	1	5	
	Methylmercaptan	2.1	UN 1064	Flammable Gas	-	1,2	1	Stow 'away from' living quarters
	Methyl methacrylate, monomer, inhibited	3.2	UN 1247	Flammable Liquid	II	1,2	1	
	Methylmorpholine	3.3	UN 2535	Flammable Liquid, Corrosive	II	1,2	1,2	
	Methyl orthosilicate	3.2	UN 2606	Flammable Liquid, Poison	I	1,3	5	Keep cool
	Methylpentadiene	3.1	UN 2461	Flammable Liquid	II	1,3	5	Keep cool
	Methylpentanes	3.1	UN 2462	Flammable Liquid	II	1,3	5	Keep cool
*	Methylphenyldichlorosilane	3.3	UN 2437	Flammable Liquid, Corrosive	II	1,2	1,2	
	1-Methylpiperidine	3.2	UN 2399	Flammable Liquid	II	1,2	1	
	Methyl propionate	3.2	UN 1248	Flammable Liquid	II	1,2	1	
	Methyl propyl ether	3.1	UN 2612	Flammable Liquid	II	1,3	5	Keep cool
	Methyl propyl ketone	3.2	UN 1249	Flammable Liquid	II	1,2	1	
	Methyl sulphide. See Dimethyl sulfide							
	Methyltetrahydrofuran	3.2	UN 2536	Flammable Liquid	II	1,2	1	
*	Methyl trichloroacetate	6.1	UN 2533	St. Andrews Cross	III	1,2	1,2	
	Methyltrichlorosilane	3.2	UN 1250	Flammable Liquid, Corrosive	II	1,2	1	
	alpha-Methyl valeraldehyde	3.3	UN 2367	Flammable Liquid	III	1,2	1,2	
	Methyl vinyl ketone	3.2	UN 1251	Flammable Liquid	II	1,2	1	
N	Mines, with bursting charge	1.1D	UN 0137	Explosive (1.1D)	-	-	-	
N	Mines, with bursting charge	1.2D	UN 0138	Explosive (1.2D)	-	-	-	
N	Mines, with bursting charge	1.1F	UN 0136	Explosive (1.1F)	-	-	-	
N	Mines, with bursting charge	1.2F	UN 0294	Explosive (1.2F)	-	-	-	
	Mixed acid. See Acid mixtures, nitrating acid							
	Mixed acid, spent. See Acid mixtures, spent							
	Molybdenum pentachloride	8	UN 2508	Corrosive	III	1	1	Keep dry. Glass carboys prohibited on pas- senger vessels
	Monochlorodifluoromethane. See Chlorodifluoromethane							
	Monochloropentafluoroethane. See Chloropentafluoroethane							
	Monochlorotetrafluoroethane. See Chlorotetrafluoroethane							
	Monochlorotrifluoromethane. See Chlorotrifluoromethane							
	Monoethanolamine. See Ethanolamine and solutions thereof.							
	Monoethylamine. See Ethylamine							
	Monomethylamine, anhydrous. See Methylamine, anhydrous							
	Monomethylamine, aqueous solution. See Methylamine, aqueous solu- tion							
*	Mononitrotoluidines	6.1	UN 2660	St. Andrews Cross	III	1,2	1,2	
	Monopropylamine	3.1	UN 1277	Flammable Liquid	II	1,2	5	
	Morpholine	3.3	UN 2054	Flammable Liquid	II	1,2	1,2	
*	Motor fuel anti-knock mixtures	6.1	UN 1649	Poison, Flammable Liquid (only if flashpoint below 61 deg C)	I	1	5	If flashpoint below 61 deg C segregation same as for flammable liquids. Stow 'away from' living quarters
*	Motor fuel, n.o.s.	3.1	(UN 1203)	Flammable Liquid	II	1,3	5	Keep cool
	Motor spirit. See Gasoline							
	Muriatic acid. See Hydrochloric acid							
	Naphtha distillate	3.2	(UN 1268)	Flammable Liquid	II	1,2	1	
*	Naphthalene, crude or refined	4.1	UN 1334	Flammable Solid	III	1,2	1,2	
	Naphtha, petroleum	3.2	UN 1255	Flammable Liquid	II	1,2	1	
	Naphtha, solvent	3.2	UN 1256	Flammable Liquid	II	1,2	1	
	Naphthylamine (alpha)	6.1	UN 2077	St. Andrews Cross	III	1,2	1,2	
	Naphthylamine (beta)	6.1	UN 1650	Poison	II	1,2	1,2	
	alpha-Naphthylthiourea	6.1	UN 1651	Poison	II	1,2	1,2	
	Naphthylurea	6.1	UN 1652	Poison	II	1,2	1,2	
	Naphthalene, molten	4.1	UN 2304	Flammable Solid	III	1	1	Protect from sparks and open flame
	Natural gases with a high methane content. See Methane or natural gases, etc.							
	Natural gasoline. See Casinghead gasoline							

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
	Neohexane. See Dimethyl butane							
	Neon, compressed	2.2	UN 1065	Nonflammable Gas	--	1,2	1,2	
	Neon, refrigerated liquid	2.2	UN 1913	Nonflammable Gas	--	1	5	
*	Nickel carbonyl	3.1	UN 1259	Flammable Liquid, Poison	I	1	5	Keep cool. Prohibited on any ship carrying explosives except explosives in Division 1.4, Compatibility Group S
*	Nickel catalyst, finely divided, activated or spent, wetted with, by weight, not less than 40% water or other suitable liquid	4.2	UN 1378	Spontaneously Combustible	II	1,2	1	
	Nickel cyanide	6.1	UN 1653	Poison	II	1,2	1,2	
*	Nickel nitrate	5.1	UN 2725	Oxidizer	III	1,2	1,2	
*	Nickel nitrite	5.1	UN 2726	Oxidizer	III	1,2	1,2	Stow 'separated from' ammonium compounds and cyanides and 'away from' foodstuffs
*	Nicotine compounds, n.o.s. or Nicotine preparations, n.o.s.	6.1	UN 1655	Poison	I/II	1,2	1,2	
		6.1	UN 1655	St. Andrews Cross	III	1,2	1,2	
*	Nicotine hydrochloride, or Nicotine hydrochloride solutions	6.1	UN 1656	Poison	II	1,2	1,2	
	Nicotine salicylate	6.1	UN 1657	Poison	II	1,2	1,2	
	Nicotine sulphate, solid or solution	6.1	UN 1658	Poison	II	1,2	1,2	
	Nicotine tartrate	6.1	UN 1659	Poison	II	1,2	1,2	
	Nitrate of soda and potash, mixture. See Sodium nitrate and potash, mixture							
	Nitrates, (inorganic), n.o.s.	5.1	UN 1477	Oxidizer	II	1,2	1,2	
	Nitrating acid. See Acid mixtures, nitrating acid							
*	Nitric acid, other than red fuming, all concentrations	8	UN 2031	Corrosive	I/II	1	5	Stow 'separated from' diethylene triamine. Stow 'away from' hydrazine, fluorides, and all other corrosives except sulphuric acid and sulphur trioxide
*	Nitric acid, red fuming	8	UN 2032	Corrosive, Oxidizer, Poison	I	1	5	Stow 'separated from' diethylene triamine. Stow 'away from' hydrazine, fluorides, and all other corrosives except sulphuric acid and sulphur trioxide
	Nitric oxide	2.3	UN 1660	Poison Gas, Oxidizer	--	1	5	Stow 'away from' foodstuffs and living quarters
	Nitric oxide and nitrogen tetroxide, mixtures	2.3	UN 1975	Poison Gas, Oxidizer	--	1	5	Stow 'away from' foodstuffs, organic materials and living quarters
*	Nitrites, inorganic, n.o.s.	5.1	UN 2627	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds and cyanides and 'away from' foodstuffs
	Nitroanilines (o-, m-, p-)	6.1	UN 1661	Poison	II	1,2	1,2	
*	Nitroanisoles	6.1	UN 2730	St. Andrews Cross	III	1,3	1,3	Keep cool
*	Nitrobenzene	6.1	UN 1662	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Nitrobenzenesulphonic acid	8	UN 2305	Corrosive	II	1,2	1,2	
	Nitrobenzol. See Nitrobenzene							
N	5-Nitrobenzotriazol	1.1D	UN 0385	Explosive (1.1D)	--	--	--	
	Nitrobenzotrifluoride	6.1	UN 2306	Poison	II	1,2	1,2	
*	Nitrobenzenes	6.1	UN 2732	St. Andrews Cross	III	1,3	1,3	Keep cool
	Nitrocellulose, containing at least 25% alcohol, by weight, and not exceeding 12.6% nitrogen by dry weight	4.1	UN 2556	Flammable Solid	I	1	5	Shade from radiant heat, keep away from heat and open flame
	Nitrocellulose, containing at least 25%, by weight, water	4.1	UN 2555	Flammable Solid	II	1	5	Shade from radiant heat. Keep away from heat and open flame
	Nitrocellulose, containing at least 18% plasticizing substance, by weight, and not exceeding 12.6% nitrogen by dry weight	4.1	UN 2557	Flammable Solid	I	1	1	Shade from radiant heat. Keep away from heat and open flame
	Nitrocellulose, in solution in flammable liquids	3.2	UN 2059	Flammable Liquid	II	1,2	1	
		3.3	UN 2060	Flammable Liquid	II	1,2	1,2	
	Nitrocellulose, wetted with, by weight, more than 40% flammable liquids	3.2	(UN 2556)	Flammable Liquid	II	1,2	1	
		3.3	(UN 2556)	Flammable Liquid	II	1,2	1,2	
N	Nitrocellulose with less than 25% alcohol, by weight	1.1D	UN 0340	Explosive (1.1D)	--	--	--	
N	Nitrocellulose with less than 18% plasticizing substance, by weight	1.1D	UN 0341	Explosive (1.1D)	--	--	--	
N	Nitrocellulose with less than 25% water, by weight	1.1D	UN 0340	Explosive (1.1D)	--	--	--	
N	Nitrocellulose with not less than 25% alcohol, by weight	1.3C	UN 0342	Explosive (1.3C)	--	--	--	
N	Nitrocellulose with not less than 18% plasticizing substance, by weight	1.3C	UN 0343	Explosive (1.3C)	--	--	--	
	3-Nitro-4-chlorobenzotrifluoride	6.1	UN 2307	Poison	II	1,2	1,2	
	Nitrocresols	6.1	UN 2446	Poison	III	1,2	1,2	
	Nitrogen, compressed	2.2	UN 1066	Nonflammable Gas	--	1,2	1,2	
*	Nitrogen dioxide, liquefied	2.3	UN 1067	Poison Gas, Oxidizer	--	1	5	Stow 'away from' foodstuffs, organic materials and living quarters
*	Nitrogen, refrigerated liquid	2.2	UN 1977	Nonflammable Gas	--	1	5	
	Nitrogen tetroxide. See Nitrogen dioxide							
	Nitrogen trifluoride	2.3	UN 2451	Poison Gas	--	1	5	Stow 'away from' living quarters and organic materials
	Nitrogen trioxide	2.3	UN 2421	Poison Gas	--	1	5	Stow 'away from' living quarters and readily combustible substances
N	Nitroglycerine, desensitized, containing, by weight, at least 40% non-volatile water-insoluble phlegmatizer	1.1D	UN 0143	Explosive (1.1D), Poison	--	--	--	
N	Nitroglycerine, spirit of, containing more than 1% but not more than 10% nitroglycerine in solution in alcohol	1.1D	UN 0144	Explosive (1.1D)	--	--	--	
	Nitroglycerin solution, up to 1% in alcohol. See Glyceryl trinitrate, solution							
N	Nitroguanidine, dry or containing, by weight, less than 20% water	1.1D	UN 0282	Explosive (1.1D)	--	--	--	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements				
						(a)	(b)	(c) Other requirements		
						Cargo vessel	Pass- enger vessel			
*	Nitroguanidine, wetted, with, by weight, at least 20% water	4.1	UN 1336	Flammable Solid	I	1,2	5	Stow 'away from' fluorides		
	Nitrohydrochloric acid	8	UN 1798	Corrosive	I	1	5			
	Nitromethane	3.3	UN 1261	Flammable Liquid	II	1,2	1,2			
	Nitromuriatic acid. See Nitrohydrochloric acid									
	Nitronaphthalene	4.1	UN 2538	Flammable Solid	III	1,2	1,2			
	Nitrophenols (o-, m-, p-)	6.1	UN 1663	St. Andrews Cross	III	1,2	1,2			
	Nitropropanes	3.3	UN 2608	Flammable Liquid	III	1,2	1,2			
	p-Nitrosodimethylaniline	4.2	UN 1369	Spontaneously Combustible	II	1,2	5		Stow 'away from' foodstuffs	
	N Nitrostarch, dry or containing, by weight, less than 20% water	1.1D	UN 0146	Explosive (1.1D)	--	--	--			
	*	Nitrostarch, wetted with, by weight, at least 20% water	4.1	UN 1337	Flammable Solid	I	1		5	Stow 'away from' foodstuffs and living quarters
Nitrosyl chloride		2.3	UN 1069	Poison Gas, Corrosive	--	1	5			
N	Nitrosylsulphuric acid	8	UN 2308	Corrosive	II	1	5	Stow 'away from' organic materials		
	Nitrotoluenes (o-, m-, p-)	6.1	UN 1664	Poison	II	1,2	1,2			
N	Nitro urea	1.1D	UN 0147	Explosive (1.1D)	--	--	--	Keep dry		
	Nitrous oxide, compressed	2.2	UN 1070	Nonflammable Gas, Oxidizer	--	1,2	1,2			
*	Nitroxylenes (o-, m-, p-)	6.1	UN 1665	Poison	II	1,2	1,2	Keep dry		
	Nonane, and its isomers	3.3	UN 1920	Flammable Liquid	II	1,2	1,2			
*	Nonyl trichlorosilane	8	UN 1799	Corrosive	II	1	1	Keep dry		
	Octadecyl trichlorosilane	8	UN 1800	Corrosive	II	1	1			
	Octadecene	3.2	UN 2309	Flammable Liquid	III	1,2	1			
	Octafluorocyclobutane	2.2	UN 1976	Nonflammable Gas	--	1,2	1,2			
	Octane and its isomers	3.2	UN 1262	Flammable Liquid	II	1,2	1			
	n-Octanoyl peroxide. See Di-n-octanoyl peroxide									
	N Octolite, dry or containing, by weight, less than 15% water	1.1D	UN 0266	Explosive (1.1D)	--	--	--		Keep dry	
	Octyl trichlorosilane	8	UN 1801	Corrosive	II	1	1			
	*	Oil gas	2.1	UN 1071	Flammable Gas, Poison Gas	--	1		5	Stow 'away from' living quarters
		Oleum. See Sulphuric acid, fuming								
Organic peroxides, mixture (this description must be supplemented with the name of the primary constituent of the mixture)		5.2	UN 2756	Organic Peroxide	I/II	1	5			
Organic peroxides, n.o.s., samples		5.2	UN 2255	Organic Peroxide	I/II	1	5			
Organochlorine pesticides, liquid, n.o.s.		6.1	UN 2761	Poison	I	1	1			
Organochlorine pesticides, liquid, n.o.s., flashpoint between 23 deg C and 61 deg C		6.1	UN 2761	Poison	II	1,2	1	Segregation same as for flammable liquids		
		6.1	UN 2761	St. Andrews Cross	III	1,2	1,2			
		6.1	UN 2761	Poison, Flammable Liquid	I	1	1			
Organochlorine pesticides, liquid, n.o.s., flashpoint below 23 deg C		6.1	UN 2761	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids		
		6.1	UN 2761	St. Andrews Cross, Flammable Liquid	III	1,2	1,2			
	3.2	UN 2762	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1				
*	Organochlorine pesticides, solid, n.o.s.	6.1	UN 2761	Poison	I/II	1,2	1,2	Stow 'away from' living quarters		
	6.1	UN 2761	St. Andrews Cross	III	1,2	1,2				
*	Organophosphorus pesticides, liquid, n.o.s.	6.1	UN 2783	Poison	I	1	1	Segregation same as for flammable liquids		
	6.1	UN 2783	Poison	II	1,2	1				
	6.1	UN 2783	St. Andrews Cross	III	1,2	1,2				
Organophosphorus pesticides, liquid, n.o.s., flashpoint between 23 deg C and 61 deg C	6.1	UN 2783	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids			
	6.1	UN 2783	Poison, Flammable Liquid	II	1,2	1				
	6.1	UN 2783	St. Andrews Cross, Flammable Liquid	III	1,2	1,2				
Organophosphorus pesticides, n.o.s., flashpoint below 23 deg C	3.2	UN 2784	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	Segregation same as for flammable liquids			
	6.1	UN 2783	Poison	I/II	1,2	1,2				
	6.1	UN 2783	St. Andrews Cross	III	1,2	1,2				
*	Organotin compounds, n.o.s.	6.1	UN 2788	Poison	I/II	1,2	1	Stow 'away from' living quarters		
	6.1	UN 2788	St. Andrews Cross	III	1,2	1				
Organotin pesticides, liquid, n.o.s.	6.1	UN 2786	Poison	I	1	1	Segregation same as for flammable liquids			
	6.1	UN 2786	Poison	II	1,2	1				
	6.1	UN 2786	St. Andrews Cross	III	1,2	1,2				
Organotin pesticides, liquid, n.o.s., flashpoint between 23 deg C and 61 deg C	6.1	UN 2786	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids			
	6.1	UN 2786	Poison, Flammable Liquid	II	1,2	1				
	6.1	UN 2786	St. Andrews Cross, Flammable Liquid	III	1,2	1,2				

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class.	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a) Cargo vessel	(b) Pas- senger vessel	(c) Other requirements
*	Organotin pesticides, n.o.s., flashpoint below 23 deg C	3.2	UN 2787	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
*	Organotin pesticides, solid, n.o.s.	6.1	UN 2786	Poison	I/II	1,2	1,2	
*	Osmium tetroxide	6.1	UN 2786	St. Andrews Cross	III	1,2	1,2	
*	Oxalates, water soluble	6.1	UN 2471	Poison	I	1,2	1	Stow 'away from' living quarters
*	Oxidizing substances, n.o.s.	6.1	UN 2449	St. Andrews Cross	III	1,2	1,2	
*	Oxygen and carbon dioxide, mixtures. See Carbon dioxide and oxygen mixtures	5.1	UN 1479	Oxidizer	II	1,2	1,2	
*	Oxygen, compressed	2.2	UN 1072	Nonflammable Gas, Oxidizer	-	1,2	1,2	
*	Oxygen difluoride	2.3	UN 2190	Poison Gas	-	1	5	Keep dry. Stow 'away from' living quarters and readily combustible substances
*	Oxygen, refrigerated liquid	2.2	UN 1073	Nonflammable Gas, Oxidizer	-	1	5	Stow 'separated from' acetylene. Do not overtow
*	Paint, enamel, lacquer, stain, shellac, varnish, polish, filler (liquid), lacquer base or thinner (not including substances containing nitrocellulose for which See Nitrocellulose.)	3.2	UN 1263	Flammable Liquid	II/III	1,2	1	
*	Paper, treated with unsaturated oils, incompletely dried	3.3	UN 1263	Flammable Liquid	II/III	1,2	1,2	
*	Paraformaldehyde	4.2	UN 1379	Spontaneously Combustible	III	1,2	1,2	
*	Paraldehyde	4.1	UN 2213	None. Package to be marked 'Class 4.1'	III	1,2	1,2	
*	Pentaborane	3.3	UN 1264	Flammable Liquid	III	1,2	1,2	
*	Pentachloroethane	4.2	UN 1380	Spontaneously Combustible, Poison	I	1	5	
*	Pentaerythrite tetranitrate, containing, by weight, at least 25% water or at least 15% plegmatizer	6.1	UN 1669	Poison	II	1,2	1,2	
N	Pentamethylheptane	1.1D	UN 0150	Explosive (1.1D)	-	-	-	
*	2,4-Pentanedione	3.3	UN 2286	Flammable Liquid	III	1,2	1,2	
*	Pentanes	3.3	UN 2310	Flammable Liquid	III	1,2	1,2	
*	1-Pentol	3.1	UN 1265	Flammable Liquid	I	1,3	5	Keep cool
N	Pentolite, dry or containing, by weight, less than 15% water	8	UN 2705	Corrosive	II	1,2	1	Stow 'away from' all other corrosives
*	Peracetic acid, maximum concentration 43% in acetic acid or in a mixture of acetic acid and water, with in either case not more than 6% hydrogen peroxide and not more than 1% sulphuric acid	1.1D	UN 0151	Explosive (1.1D)	-	-	-	
*	Perchlorates, (inorganic), n.o.s.	5.2	UN 2131	Organic Peroxide, Corrosive	I	1	5	
*	Perchloric acid, not exceeding 50%, by weight, of acid	5.1	UN 1481	Oxidizer	II	1,3	1,3	Stow 'away from' powdered metals
*	Perchloric acid, over 50% and not exceeding 72% of acid	8	UN 1802	Corrosive, Oxidizer	II	1	1	Stow 'away from' hydrazine
*	Perchloroethylene. See Tetrachloroethylene	5.1	UN 1873	Oxidizer, Corrosive	I	1	5	
*	Perchloromethyl mercaptan	6.1	UN 1670	Poison	I	1	5	Stow 'away from' living quarters
*	Perchloryl fluoride	2.3	(UN 1955)	Poison Gas	-	1	5	Stow 'away from' living quarters and readily combustible substances
*	Perfumery products, flammable liquid	3.2	UN 1266	Flammable Liquid	II	1,2	1	
*	Permanganates, (inorganic), n.o.s.	3.3	UN 1266	Flammable Liquid	II	1,2	1,2	
*	Peroxides, (metallic), n.o.s.	5.1	UN 1482	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds, hydrogen peroxide and strong liquid acids
*	Pesticides, liquid, n.o.s.	5.1	UN 1483	Oxidizer	II	1,2	1,2	
*	Pesticides, liquid, n.o.s. flashpoint between 23 deg C and 61 deg C	6.1	UN 2902	Poison	I	1	1	
*	Pesticides, liquid, n.o.s. flashpoint between 23 deg C and 61 deg C	6.1	UN 2902	Poison	II	1,2	1	
*	Pesticides, liquid, n.o.s. flashpoint between 23 deg C and 61 deg C	6.1	UN 2902	St. Andrews Cross	III	1,2	1,2	
*	Pesticides, liquid, n.o.s. flashpoint between 23 deg C and 61 deg C	6.1	UN 2902	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
*	Pesticides, liquid, n.o.s. flashpoint between 23 deg C and 61 deg C	6.1	UN 2902	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
*	Pesticides, liquid, n.o.s. flashpoint between 23 deg C and 61 deg C	6.1	UN 2902	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
*	Pesticides, liquid, toxic, flammable, n.o.s. flashpoint below 23 deg C	3.2	UN 2903	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
*	Pesticides, solid, n.o.s.	6.1	UN 2588	Poison	I/II	1,2	1,2	
*	Pesticides, solid, n.o.s.	6.1	UN 2588	St. Andrews Cross	III	1,2	1,2	
*	Petroleum crude oil	3.1	UN 1267	Flammable Liquid	II	1,3	5	Keep cool
*	Petroleum distillates, n.o.s.	3.2	UN 1267	Flammable Liquid	II	1,2	1	
*	Petroleum distillates, n.o.s.	3.3	UN 1267	Flammable Liquid	II	1,2	1,2	
*	Petroleum ether. See Petroleum spirit	3.1	UN 1268	Flammable Liquid	II	1,3	5	Keep cool
*	Petroleum gases, liquefied	3.2	UN 1268	Flammable Liquid	II	1,2	1	
*	Petroleum oil	3.3	UN 1268	Flammable Liquid	II	1,2	1,2	
*	Petroleum ether. See Petroleum spirit	2.1	UN 1075	Flammable Gas	-	1,2	1	Stow 'away from' living quarters
*	Petroleum oil	3.1	UN 1270	Flammable Liquid	II	1,3	5	Keep cool
*	Petroleum oil	3.2	UN 1270	Flammable Liquid	II	1,2	1	
*	Petroleum oil	3.3	UN 1270	Flammable Liquid	II	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
•	Petroleum spirit	3.1	UN 1271	Flammable Liquid	II	1.3	5	Keep cool
		3.2	UN 1271	Flammable Liquid	II	1.2	1	
		3.3	UN 1271	Flammable Liquid	II	1.2	1.2	
	Petrol. See Gasoline							
•	Phenacyl bromide	6.1	UN 2645	Poison	II	1.3	1	Keep cool. Stow 'away from' living quarters
	Phenetidines	6.1	UN 2311	St. Andrews Cross	III	1.2	1.2	
	Phenol	6.1	UN 1671	Poison	II	1.2	1.2	
•	Phenol solutions	6.1	UN 2821	Poison	II	1.2	1.2	Stow 'away from' living quarters Metal drums only under deck
	Phenolsulphonic acid, liquid	8	UN 1803	Corrosive	II	1.2	1	
•	Phenoxy pesticides, liquid, n.o.s.	6.1	UN 2765	Poison	I	1	1	
		6.1	UN 2765	Poison	II	1.2	1	
		6.1	UN 2765	St. Andrews Cross	III	1.2	1.2	
•	Phenoxy pesticides, liquid, n.o.s., flashpoint between 23 deg C and 61 deg C	6.1	UN 2765	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2765	Poison, Flammable Liquid	II	1.2	1	
		6.1	UN 2765	St. Andrews Cross, Flammable Liquid	III	1.2	1.2	
•	Phenoxy pesticides, n.o.s., flashpoint below 23 deg C	3.2	UN 2766	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1.2	1	
•	Phenoxy pesticides, solid, n.o.s.	6.1	UN 2765	Poison	I/II	1.2	1.2	
		6.1	UN 2765	St. Andrews Cross	III	1.2	1.2	
•	Phenylacetone, liquid	6.1	UN 2470	St. Andrews Cross	III	1.2	1.2	Stow 'away from' acids
•	Phenylacetone, liquid	8	UN 2577	Corrosive	II	1	1	Keep dry
		6.1	UN 1672	Poison	I	1	5	
•	Phenylacetyl chloride	6.1	UN 2746	Poison, Corrosive	II	1.3	1.3	Keep cool and dry. Shade from radiant heat. Stow 'away from' living quarters
•	Phenylcarbamylamine chloride	6.1	UN 1673	St. Andrews Cross	III	1.2	1.2	Stow 'away from' living quarters
•	Phenylchloroformate	6.1	UN 2572	Poison	II	1.2	1.2	Shade from radiant heat. Stow 'away from' living quarters. Segregation same as for flammable liquids
•	Phenylhydrazine	6.1	UN 2487	Poison, Flammable Liquid	II	1	5	
•	Phenyl isocyanate	3.2	UN 2337	Flammable Liquid, Poison	II	1.2	1	
•	Phenylmercaptan	6.1	UN 1674	Poison	II	1.2	1.2	
•	Phenylmercuric acetate	6.1	UN 2026	Poison	I/II	1.2	1.2	
•	Phenylmercuric compounds, n.o.s.	6.1	UN 2026	St. Andrews Cross	III	1.2	1.2	
•	Phenylmercuric hydroxide	6.1	UN 1894	Poison	II	1.2	1.2	
•	Phenylmercuric nitrate	6.1	UN 1895	Poison	II	1.2	1.2	
•	Phenyl phosphorus dichloride	8	UN 2798	Corrosive	II	1.2	1	
•	Phenyl phosphorus thiodichloride	8	UN 2799	Corrosive	II	1.2	1	
•	Phenyl trichlorosilane	8	UN 1804	Corrosive	II	1	1	Keep dry
•	Phenyl urea pesticides, liquid, n.o.s.	6.1	UN 2767	Poison	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2767	Poison	II	1.2	1	
		6.1	UN 2767	St. Andrews Cross	III	1.2	1.2	
•	Phenyl urea pesticides, liquid, n.o.s., flashpoint between 23 deg C and 61 deg C	6.1	UN 2767	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2767	Poison, Flammable Liquid	II	1.2	1	
		6.1	UN 2767	St. Andrews Cross, Flammable Liquid	III	1.2	1.2	
•	Phenyl urea pesticides, n.o.s., flashpoint below 23 deg C	3.2	UN 2768	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1.2	1	
•	Phenyl urea pesticides, solid, n.o.s.	6.1	UN 2767	Poison	I/II	1.2	1.2	
		6.1	UN 2767	St. Andrews Cross	III	1.2	1.2	
•	o-Phosphorous acid	8	UN 2834	Corrosive	III	1.3	1.3	Stow 'away from' sources of heat
•	Phosgene	2.3	UN 1076	Poison Gas, Corrosive	--	1	5	Stow 'away from' living quarters
•	Phosphine	2.3	UN 2199	Poison Gas, Flammable Gas	--	1	5	Stow 'away from' living quarters
•	o-Phosphoric acid, liquid	8	UN 1805	Corrosive	III	1.2	1.2	Glass carboys in hampers prohibited under deck. Keep dry
•	o-Phosphoric acid, solid	8	UN 1805	Corrosive	III	1.2	1.2	
•	Phosphoric anhydride. See Phosphorus pentoxide	4.1	UN 1338	Flammable Solid	III	1.2	1.2	Stow 'separated from' oxidizing substances
•	Phosphorous bromide. See Phosphorus tribromide	8	UN 2576	Corrosive	II	1	1	Keep dry
•	Phosphorous chloride. See Phosphorus trichloride	8	UN 1939	Corrosive	II	1	1	Keep cool and dry
•	Phosphorus, amorphous	8	UN 1810	Corrosive	II	1	1	Keep dry
•	Phosphorus heptasulphide, free from yellow or white phosphorus	4.1	UN 1339	Flammable Solid	II	1.2	1	Stow 'separated from' oxidizing substances
•	Phosphorus oxybromide, molten	8	UN 2576	Corrosive	II	1	1	Keep dry
•	Phosphorus oxybromide, solid	8	UN 1939	Corrosive	II	1	1	Keep cool and dry
•	Phosphorus oxychloride	8	UN 1810	Corrosive	II	1	1	Keep dry
•	Phosphorus oxychloride. See Phosphoryl chloride	8	UN 2691	Corrosive	II	1.3	1	Keep cool and dry

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identi- fication Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Storage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
	Phosphorus pentachloride	8	UN 1806	Corrosive	II	1	1	Keep dry
	Phosphorus pentafluoride	2.3	UN 2198	Poison Gas	-	1	5	Stow 'away from' living quarters
	Phosphorus pentasulphide, free from yellow or white phosphorus	4.1	UN 1340	Flammable Solid	II	1,2	1,2	Stow 'separated from' oxidizing substances
	Phosphorus pentoxide	8	UN 1807	Corrosive	II	1,2	1,2	Glass bottles prohibited under deck
	Phosphorus sesquisulphide, free from yellow or white phosphorus	4.1	UN 1341	Flammable Solid	II	1,2	1	Stow 'separated from' oxidizing substances
	Phosphorus tribromide	8	UN 1808	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on passenger vessels
	Phosphorus trichloride	8	UN 1809	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on passenger vessels
	Phosphorus trifluoride	2.3	(UN 1955)	Poison Gas	-	1	5	Stow 'away from' living quarters
	Phosphorus trioxide	8	UN 2578	Corrosive	III	1,3	1,3	Keep cool and dry
	Phosphorus trisulphide, free from yellow or white phosphorus	4.1	UN 1343	Flammable Solid	II	1,2	1	Stow 'separated from' oxidizing substances
	Phosphorus white, molten	4.2	UN 2447	Spontaneously Combustible	I	1	5	
	Phosphorus, white or yellow, dry	4.2	UN 1381	Spontaneously Combustible	I	1,2	5	
	Phosphorus, white or yellow, in water	4.2	UN 1381	Spontaneously Combustible	I	1,2	5	
N	Photo-flash powder in units	1.1G	UN 0094	Explosive (1.1G)	-	-	-	
N	Photo-flash powder in units	1.2G	UN 0096	Explosive (1.2G)	-	-	-	
N	Photo-flash powder in units	1.3G	UN 0305	Explosive (1.3G)	-	-	-	
*	Phthalic anhydride, solid or molten	8	UN 2214	None. Package to be marked "Class B"	III	1,2	1,2	Stow 'away from' foodstuffs
*	Phthalimide derivative pesticides, liquid, n.o.s.	6.1	UN 2773	Poison	I	1	1	
		6.1	UN 2773	Poison	II	1,2	1	
		6.1	UN 2773	St. Andrews Cross	III	1,2	1,2	
*	Phthalimide derivative pesticides, liquid, n.o.s., flashpoint between 23 deg C and 61 deg C	6.1	UN 2773	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2773	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2773	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
*	Phthalimide derivative pesticides, n.o.s., flashpoint below 23 deg C	3.2	UN 2774	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
*	Phthalimide derivative pesticides, solid, n.o.s.	6.1	UN 2773	Poison	I/II	1,2	1,2	
		6.1	UN 2773	St. Andrews Cross	III	1,2	1,2	
	Picolines	3.3	UN 2313	Flammable Liquid	II	1,2	1,2	
*	Picric acid, wetted with, by weight, at least 10% water	4.1	UN 1344	Flammable Solid	I	1	5	Stow 'away from' heavy metals and their compounds
*	Picric acid, wetted with, by weight, at least 30% water	4.1	UN 1344	Flammable Solid	I	1,2	5	Stow 'away from' heavy metals and their compounds
*	Pinane hydroperoxide. See 2,6,6-Trimethyl norpinanyl hydroperoxide, technical pure				-	-	-	
	alpha-Pinene	3.3	UN 2368	Flammable Liquid	III	1,2	1,2	
	Pine oil	3.3	UN 1272	Flammable Liquid	III	1,2	1,2	
*	Piperazine	8	UN 2579	Corrosive	III	1,3	1,3	Keep cool and dry
	Piperidine	3.2	UN 2401	Flammable Liquid	II	1,2	1	Keep dry
	Plastics moulding materials evolving flammable vapours	9	UN 2211	None	III	1,2	1,2	
	Plastics, (spontaneously combustible), n.o.s.	4.2	UN 2006	Spontaneously Combustible	III	1	5	
	Poisonous liquids, n.o.s.	6.1	UN 2810	Poison	I/II	1,2	1	
		6.1	UN 2810	St. Andrews Cross	III	1,2	1,2	
	Poisonous solids, n.o.s.	6.1	UN 2811	Poison	I/II	1,2	1	
		6.1	UN 2811	St. Andrews Cross	III	1,2	1,2	
	Polishes. See Paints, etc.							
	Polishing fluid. See Flammable liquid preparations, n.o.s.							
*	Polychlorinated biphenyls	9	UN 2315	None	II	1,2	1,2	Stow in a recoverable position. Stow 'away from' foodstuffs
	Polystyrene beads, expandable, containing flammable liquid. See Plastics moulding materials							
	Potassium arsenate	6.1	UN 1677	Poison	II	1,2	1,2	
	Potassium arsenite	6.1	UN 1678	Poison	II	1,2	1,2	
	Potassium bifluoride, solid	8	UN 1811	Corrosive	II	1,2	1,2	Keep dry
	Potassium bifluoride, solution	8	UN 1811	Corrosive	II	1,2	1,2	
	Potassium borohydride	4.3	UN 1870	Dangerous When Wet	I	1,2	5	
	Potassium bromate	5.1	UN 1484	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds and 'away from' powdered metals
	Potassium chlorate	5.1	UN 1485	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds and 'away from' powdered metals
	Potassium chlorate, aqueous solution	5.1	UN 2427	Oxidizer	II	1,2	1	Stow 'away from' powdered metals and 'separated from' ammonium compounds
	Potassium cuprocyanide	6.1	UN 1679	Poison	II	1,2	1,2	Stow 'away from' acids
	Potassium cyanide	6.1	UN 1680	Poison	I	1,2	1,2	Stow 'away from' acids
*	Potassium fluoride	6.1	UN 1812	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
*	Potassium fluoroacetate	6.1	UN 2628	Poison	I	1,2	5	Stow 'away from' living quarters

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
	Potassium hydrogen fluoride. See Potassium bifluoride, solution							
*	Potassium hydrogen sulphate	8	UN 2509	Corrosive	II	1,2	1,2	Stow 'away from' strong alkalis
*	Potassium hydrosulphite	4.2	UN 1929	Spontaneously Combustible	II	1,2	5	Keep dry
	Potassium hydroxide, solid	8	UN 1813	Corrosive	II	1,2	1,2	Keep dry
	Potassium hydroxide, solution	8	UN 1814	Corrosive	II	1,2	1,2	
	Potassium hypochlorite, solution. See Hypochlorite, solutions, etc.							
	Potassium metal	4.2	UN 2257	Spontaneously Combustible	II	1,2	5	
	Potassium, metal alloys	4.3	UN 1420	Dangerous When Wet	II	1,2	5	
*	Potassium metavanadate	6.1	UN 2864	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Potassium nitrate	5.1	UN 1486	Oxidizer	III	1,2	1,2	
	Potassium nitrate and sodium nitrite, mixture	5.1	UN 1487	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds and cyanides, and 'away from' foodstuffs
	Potassium nitrate bags, empty. See Bags, empty and unwashed, etc.							
	Potassium nitrite	5.1	UN 1488	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds and cyanides, and 'away from' foodstuffs
	Potassium oxide	8	UN 2033	Corrosive	II	1,2	1,2	Keep dry
	Potassium perchlorate	5.1	UN 1489	Oxidizer	II	1,2	1,2	Stow 'away from powdered metals
	Potassium permanganate	5.1	UN 1490	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds and hydrogen peroxide
	Potassium peroxide	5.1	UN 1491	Oxidizer	I	1,2	1,2	Keep dry
	Potassium persulphate	5.1	UN 1492	Oxidizer	III	1,2	1,2	
	Potassium phosphide	4.3	UN 2012	Dangerous When Wet, Poison	I	1	5	
N	Potassium salts of nitro-aromatic derivatives, explosive	1.3C	UN 0158	Explosive (1.3C)	--	--	--	
*	Potassium silicofluoride	6.1	UN 2655	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
	Potassium-sodium, alloy	4.3	UN 1422	Dangerous When Wet	I	1,2	5	
*	Potassium sulphide, anhydrous or containing less than 30% water of crystallization	4.2	UN 1382	Spontaneously Combustible	II	1,2	1,2	Stow 'separated from' liquid acids
	Potassium sulphide, hydrated, containing not less than 30% water of crystallization	8	UN 1847	Corrosive	II	1,2	1,2	Stow 'separated from' explosives and acids
	Potassium superoxide	5.1	UN 2466	Oxidizer	I	1,2	1	Keep dry. Stow 'away from' combustible materials including packaging of other cargo
N	Powder paste, containing, by weight, at least 35% water	1.3C	UN 0159	Explosive (1.3C)	--	--	--	
N	Powder, smokeless	1.1C	UN 0160	Explosive (1.1C)	--	--	--	
N	Powder, smokeless	1.3C	UN 0161	Explosive (1.3C)	--	--	--	
	Primers, cap type	1.4B	UN 0378	Explosive (1.4B)	--	1,3	1,3	
	Primers, cap type	1.4S	UN 0044	None. Package to be marked '1.4S'	--	1,3	1,3	
N	Primers, cap type	1.1B	UN 0377	Explosive (1.1B)	--	--	--	
	Primers, tubular	1.4G	UN 0320	Explosive (1.4G)	--	1,3	1,3	
	Primers, tubular	1.4S	UN 0376	None. Package to be marked '1.4S'	--	1,3	1,3	
N	Primers, tubular	1.3G	UN 0319	Explosive (1.3G)	--	--	--	
	Projectiles, inert, with tracer	1.4 S	UN 0345	None. Package to be marked '1.4 S'	--	1,3	1,3	
N	Projectiles, with burster or expelling charge	1.2D	UN 0346	Explosive (1.2D)	--	--	--	
N	Projectiles, with burster or expelling charge	1.4D	UN 0347	Explosive (1.4D)	--	--	--	
N	Projectiles, with bursting charge	1.1D	UN 0168	Explosive (1.1D)	--	--	--	
N	Projectiles, with bursting charge	1.2D	UN 0169	Explosive (1.2D)	--	--	--	
N	Projectiles, with bursting charge	1.4D	UN 0344	Explosive (1.4D)	--	--	--	
N	Projectiles, with bursting charge	1.1F	UN 0167	Explosive (1.1F)	--	--	--	
N	Projectiles, with bursting charge	1.2F	UN 0324	Explosive (1.2F)	--	--	--	
	Propane	2.1	UN 1978	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Propanethiols	3.1	UN 2402	Flammable Liquid	II	1,3	5	Keep cool and dry. Stow 'away from' food- stuffs and all odor absorbing cargo.
		3.2	UN 2402	Flammable Liquid	II	1,3	1	Keep cool and dry. Stow 'away from' food- stuffs and all odor absorbing cargo
	Propanol	3.2	UN 1274	Flammable Liquid	II	1,2	1	
	Propionaldehyde	3.2	UN 1275	Flammable Liquid	II	1,2	1	
*	Propionic acid, solution containing not less than 80% acid	8	UN 1848	Corrosive, Flammable Liquid (only if flashpoint below 61 deg C)	III	1,2	1,2	Stow 'separated by a complete compartment or hold from' organic peroxides, and 'sepa- rated longitudinally by and intervening complete compartment or hold from' ex- plosives. If flashpoint below 61 deg C, seg- regation same as for flammable liquids
	Propionic anhydride	8	UN 2496	Corrosive	III	1,2	1,2	Keep dry. Glass carboys prohibited on pas- senger vessels
	Propionitrile	3.2	UN 2404	Flammable Liquid, Poison	II	1,3	5	Keep cool
*	Propionyl chloride	3.2	UN 1815	Flammable Liquid, Corrosive	II	1,2	1	
	n-Propyl acetate	3.2	UN 1276	Flammable Liquid	II	1,2	1	
	sec-Propyl alcohol. See Isopropanol							
	n-Propyl alcohol. See Propanol							
	Propylamine. See Monopropylamine							
	Propyl benzene	3.3	UN 2364	Flammable Liquid	II	1,2	1,2	
	Propyl chloride	3.1	UN 1278	Flammable Liquid	II	1,3	5	Keep cool

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identi- fication Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Storage Requirements		
						(a) Cargo vessel	(b) Pas- senger vessel	(c) Other requirements
	n-Propyl chloroformate	3.3	UN 2740	Flammable Liquid, Poison, Corrosive	I	1.2	1.2	
	Propylene	2.1	UN 1077	Flammable Gas	--	1.2	1	Stow 'away from' living quarters
*	Propylene chlorohydrin	6.1	UN 2611	Poison, Flammable Liquid	II	1.3	1.3	Keep cool. Shade from radiant heat. Segrega- tion same as for flammable liquids
	Propylene diamine	3.3	UN 2258	Flammable Liquid, Corrosive	II	1.2	1.2	
	Propylenediamine	3.2	UN 2258	Flammable Liquid, Corrosive	II	1.2	1	
	Propylene dichloride	3.2	UN 1279	Flammable Liquid	II	1.2	1	
	Propyleneimine, inhibited	3.2	UN 1921	Flammable Liquid	I	1.2	1	
	Propylene oxide, inhibited	3.1	UN 1280	Flammable Liquid	I	1.3	5	Keep cool
	Propyl formates	3.2	UN 1281	Flammable Liquid	II	1.2	1	
	n-Propyl isocyanate	3.2	UN 2482	Flammable Liquid, Poison	I	1	5	Keep cool. Stow 'away from' living quarters and sources of heat
	Propyl mercaptan	3.1	UN 2704	Flammable Liquid	II	1.3	5	Keep cool and dry. Stow 'away from' food- stuffs and all odor absorbing cargo
		3.2	UN 2704	Flammable Liquid	II	1.3	1	Keep cool and dry. Stow 'away from' food- stuffs and all odor absorbing cargo
	n-Propyl nitrate	3.2	UN 1865	Flammable Liquid	II	1.2	1	
*	Propyl trichlorosilane	8	UN 1816	Corrosive, Flammable Liquid	II	1	1	Keep dry. Stow 'separated longitudinally by an intervening compartment or hold from' explosives. Segregation same as for flam- mable liquids
	Pyridine	3.2	UN 1282	Flammable Liquid, Poison	II	1.2	1	
*	Pyrophoric fuel, n.o.s.	4.2	UN 1375	Spontaneously Combustible	I	1	5	Prohibited on any ship carrying explosives (except explosives in Division 1A, Com- patibility Group S)
*	Pyrophoric liquids, n.o.s.	4.2	UN 2845	Spontaneously Combustible	I	1	5	Prohibited on any ship carrying explosives (except explosives in Division 1A, Com- patibility Group S)
*	Pyrophoric metals, n.o.s. or Pyrophoric alloys, n.o.s.	4.2	UN 1383	Spontaneously Combustible	II	1	5	
	Pyrosulphuryl chloride	8	UN 1817	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on pas- senger vessels
	Pyroxylin. See Nitrocellulose							
	Pyrrolidine	3.2	UN 1922	Flammable Liquid	II	1.2	1	
*	Quinoline	6.1	UN 2656	St. Andrews Cross, Flammable Liquid (only if flashpoint below 61 deg C)	III	1.3	1.3	Keep cool. Shade from radiant heat. If flash- point below 61 deg C, segregation same as for flammable liquids
	Rags, oily	4.2	UN 1856	Spontaneously Combustible	III	1.2	1.2	Keep dry
	Rare gases, mixtures	2.2	UN 1979	Nonflammable Gas	--	1.2	1.2	
	Rare gases, mixtures with nitrogen	2.2	UN 1981	Nonflammable Gas	--	1.2	1.2	
	Rare gases, mixtures with oxygen	2.2	UN 1980	Nonflammable Gas	--	1.2	1.2	
	Receptacles, small, containing flammable compressed gas, not fitted with a dispersion device, not refillable	2.1	UN 2037	Flammable Gas	--			
	Reducing liquid. See Flammable liquid preparation, n.o.s.							
N	Refrigerant gases, n.o.s.	2.1	UN 1078	Flammable Gas	--	1	1	
	Refrigerant gases, n.o.s.	2.2	UN 1078	Nonflammable Gas	--	1.2	1.2	
	Release devices, explosive	1.4 S	UN 0173	None. Package to be marked '1.4 S'	--	1.3	1.3	
	Removing liquid. See Flammable liquid preparations, n.o.s.							
*	Resin solution in flammable liquid	3.2 3.3	UN 1866 UN 2868	Flammable Liquid Flammable Liquid	II III	1.2 1.2	1 1.2	
*	Resorcinol	6.1	UN 2876	St. Andrews Cross	III	1.2	1.2	
	Rivets, explosive	1.4 S	UN 0174	None. Package to be marked '1.4 S'	--	1.3	1.3	
	Road asphalt, liquid, tar or oil. See Cut-backs, asphalt or bitumen							
N	Rocket motors	1.1C	UN 0280	Explosive (1.1C)	--	--	--	
N	Rocket motors	1.2C	UN 0281	Explosive (1.2C)	--	--	--	
N	Rocket motors	1.3C	UN 0186	Explosive (1.3C)	--	--	--	
N	Rocket motors, containing hypergolic liquids, with or without expelling charge	1.2L	UN 0322	Explosive (1.2L)	--	--	--	
N	Rocket motors, containing hypergolic liquids, with or without expelling charge	1.3L	UN 0250	Explosive (1.3L)	--	--	--	
*N	Rocket motors, liquid fueled	1.2J	UN 0395	Explosive (1.2J)	--	--	--	
*N	Rocket motors, liquid fueled	1.3J	UN 0396	Explosive (1.3J)	--	--	--	
N	Rockets, line throwing	1.2G	UN 0238	Explosive (1.2G)	--	--	--	
N	Rockets, line throwing	1.3G	UN 0240	Explosive (1.3G)	--	--	--	
*N	Rockets, liquid fueled, with bursting charge	1.1J	UN 0397	Explosive (1.1J)	--	--	--	
*N	Rockets, liquid fueled, with bursting charge	1.2J	UN 0398	Explosive (1.2J)	--	--	--	
N	Rockets, with bursting charge	1.1E	UN 0181	Explosive (1.1E)	--	--	--	
N	Rockets, with bursting charge	1.2E	UN 0182	Explosive (1.2E)	--	--	--	
N	Rockets, with bursting charge	1.1F	UN 0180	Explosive (1.1F)	--	--	--	
N	Rockets, with bursting charge	1.2F	UN 0295	Explosive (1.2F)	--	--	--	
N	Rockets, with inert head	1.3C	UN 0183	Explosive (1.3C)	--	--	--	
*	Rodenticides, liquid, n.o.s.	6.1	UN 1681	Poison	I	1	1	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
		6.1	UN 1681	Poison	II	1,2	1	
		6.1	UN 1681	St. Andrews Cross	III	1,2	1,2	
*	Rodenticides, liquid, n.o.s., flashpoint between 23 deg C and 51 deg C	6.1	UN 1681	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 1681	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 1681	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
*	Rodenticides, solid, n.o.s.	6.1	UN 1681	Poison	I/II	1,2	1,2	
	Rosin oil	6.1	UN 1681	St. Andrews Cross	III	1,2	1,2	
	R 22. See Chlorodifluoromethane	3.2	UN 1286	Flammable Liquid	III	1,2	1	
	R 12. See Dichlorodifluoromethane	3.3	UN 1286	Flammable Liquid	III	1,2	1,2	
	Rubber scrap, powdered or granulated	4.1	UN 1345	Flammable Solid	II	1,2	1,2	
	Rubber shoddy. See Rubber scrap	3.2	UN 1287	Flammable Liquid	II	1,2	1	
	Rubber solution	3.3	UN 1287	Flammable Liquid	II	1,2	1,2	
*	Rubidium hydroxide, solid	8	UN 2678	Corrosive	II	1,2	1,2	Keep dry
*	Rubidium hydroxide, solution	8	UN 2677	Corrosive	II	1,2	1,2	
	Rubidium, (metal)	4.3	UN 1423	Dangerous When Wet	I	1,2	5	
N	Samples, explosive substance, other than primary explosives	1	UN 0190	None	-	-	-	
	Sand acid. See Fluosilicic acid							
	Seed cake, containing vegetable oil, mechanically expelled seeds, containing more than 10% of oil or more than 20% of oil and moisture combined	4.2	UN 1386	None. Package to be marked 'Class 4.2'	III	1,2	5	
	Seed cake, containing vegetable oil, solvent extractions and expelled seeds, containing not more than 10% of oil and, when the amount of moisture is higher than 10%, not more than 20% of oil and moisture combined	4.2	UN 1386	None. Package to be marked 'Class 4.2'	III	1,2	1,2	
	Seed cake, containing vegetable oil, solvent extractions containing not more than 1.5% of oil and 11% of moisture	4.2	UN 2217	None. Package to be marked 'Class 4.2'	III	1,2	1,2	
*	Selenates, n.o.s. or Selenites, n.o.s.	6.1	UN 2630	Poison	I	1,2	5	Stow 'away from' living quarters
	Selenic acid	8	UN 1905	Corrosive	I	1,2	1,2	Keep dry
*	Selenium disulphide	6.1	UN 2657	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Selenium hexafluoride	2.3	UN 2194	Poison Gas	-	1	5	Stow 'away from' living quarters
*	Selenium metal powder, non-pyrophoric	6.1	UN 2658	St. Andrews Cross	III	1,2	1,2	
*	Selenium oxychloride	8	UN 2879	Corrosive, Poison	I	1,2	5	Keep dry
	Shale oil	3.2	UN 1288	Flammable Liquid	II	1,2	1	
		3.3	UN 1288	Flammable Liquid	II	1,2	1,2	
	Shellac. See Paints, etc.							
	Signal devices, hand	1.4S	UN 0373	None. Package to be marked '1.4S'	-	1,3	1,3	
	Signal devices, hand	1.4G	UN 0191	Explosive (1.4G)	-	1,3	1,3	
N	Signals, distress, ship (other than water-activated)	1.1G	UN 0194	Explosive (1.1G)	-	-	-	
N	Signals, distress, ship (other than water-activated)	1.3G	UN 0195	Explosive (1.3G)	-	-	-	
N	Signals, railway track, explosive	1.1G	UN 0192	Explosive (1.1G)	-	-	-	
N	Signals, railway track, explosive	1.4S	UN 0193	None. Package to be marked '1.4S'	-	-	-	
N	Signals, smoke, with explosive sound unit	1.1G	UN 0196	Explosive (1.1G)	-	-	-	
N	Signals, smoke, with explosive sound unit	1.2G	UN 0313	Explosive (1.2G)	-	-	-	
	Signals, smoke, without explosive sound unit	1.4G	UN 0197	Explosive (1.4G)	-	1,3	1,3	
	Silane	2.3	UN 2203	Poison Gas, Flammable Gas	-	1	5	Shade from radiant heat. Stow 'away from' living quarters, 'separated from' oxidizers
	Silicofluoric acid. See Fluosilicic acid							
*	Silicofluorides, n.o.s.	6.1	UN 2856	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
	Silicon chloride. See Silicon tetrachloride							
	Silicon powder, amorphous	4.1	UN 1346	Flammable Solid	III	1,2	1,2	
	Silicon tetrachloride	8	UN 1818	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on passenger vessels
	Silicon tetrafluoride	2.3	UN 1859	Poison Gas, Corrosive	-	1	5	
	Silver arsenite	6.1	UN 1683	Poison	II	1,2	1,2	
	Silver cyanide	6.1	UN 1684	Poison	II	1,2	1,2	Stow 'away from' strong liquid acids
	Silver nitrate	5.1	UN 1493	Oxidizer	II	1,2	1,2	Stow 'away from' foodstuffs
*	Silver picrate, wetted with, by weight, at least 30% water	4.1	UN 1347	Flammable Solid	I	1	5	
	Sisal, dry. See Fibre, vegetable, dry							
	Sludge acid	8	UN 1906	Corrosive	II	1,2	1	Stow 'away from' fluorides. Metal drums only under deck
	Soda lime	8	UN 1907	Corrosive	III	1,2	1,2	Keep dry
	Sodium aluminate, solution	8	UN 1819	Corrosive	II	1,2	1,2	
	Sodium amalgam	4.3	UN 1424	Dangerous When Wet	I	1,2	1,2	
	Sodium amide	4.3	UN 1425	Dangerous When Wet	II	1,2	5	
*	Sodium ammonium vanadate	6.1	UN 2863	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Sodium arsenite	6.1	UN 2473	St. Andrews Cross	III	1,2	1,2	
	Sodium arsenate	6.1	UN 1685	Poison	II	1,2	1,2	
*	Sodium arsenite, aqueous solutions	6.1	UN 1686	Poison	I/II	1,2	1,2	
		6.1	UN 1686	St. Andrews Cross	III	1,2	1,2	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identi- fication Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a) Cargo vessel	(b) Pass- enger vessel	(c) Other requirements
*	Sodium arsenite, solid	6.1	UN 2027	Poison	II	1,2	1,2	Stow 'away from' heavy metals and their compounds, 'separated from' acids
	Sodium azide	6.1	UN 1687	Poison	II	1,2	1,2	
	Sodium bisulphate, solid. See Sodium hydrogen sulphate							
	Sodium bisulphite, solution. See Sodium hydrogen sulphite, solution							
	Sodium borohydride	4.3	UN 1426	Dangerous When Wet	I	1,2	5	Stow 'away from' powdered metals, 'separated from' ammonium compounds
	Sodium bromate	5.1	UN 1494	Oxidizer	II	1,2	1,2	
	Sodium cacodylate	6.1	UN 1688	Poison	II	1,2	1,2	Stow 'away from' acids
	Sodium chlorate	5.1	UN 1493	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals, 'separated from' ammonium compounds
	Sodium chlorate, aqueous solution	5.1	UN 2428	Oxidizer	II	1,2	1	Stow 'away from' powdered metals and 'separated from' ammonium compounds
	Sodium chlorite	5.1	UN 1496	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals, 'separated from' ammonium compounds
	Sodium chlorite, solution containing more than 5% available chlorine	8	UN 1908	Corrosive	II	1,2	1	Glass carboys in hampers not permitted under deck
*	Sodium chloroacetate	6.1	UN 2659	St. Andrews Cross	III	1,3	1,3	Keep cool and dry
	Sodium cuprocyanide, solid	6.1	UN 2316	Poison	I	1,2	1,2	Keep dry. Stow 'separated from' acids
*	Sodium cuprocyanide solution	6.1	UN 2317	Poison	I	1,2	1	Stow 'away from' living quarters and 'separated from' acids
	Sodium cyanide	6.1	UN 1689	Poison	I	1,2	1,2	Stow 'away from' acids
N	Sodium dinitro-o-cresolate, dry or containing, by weight, less than 15% water	1.3C	UN 0234	Explosive (1.3C)	-	-	-	
*	Sodium dinitro-o-cresolate, wetted with, by weight, at least 15% water	4.1	UN 1348	Flammable Solid, Poison	I	1,2	5	Stow 'away from' heavy metals and their compounds
*	Sodium dinitro-o-cresolate, wetted with, by weight, at least 10% water	4.1	UN 1348	Flammable Solid, Poison	I	1	5	Stow 'away from' heavy metals and their compounds
*	Sodium fluoride, solid	6.1	UN 1690	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
*	Sodium fluoride, solution	6.1	UN 1690	Poison	II	1,2	1,2	
*	Sodium fluoroacetate	6.1	UN 2629	Poison	I	1,2	5	Stow 'away from' living quarters
	Sodium hydrate. See Sodium hydroxide, solution							
	Sodium hydride	4.3	UN 1427	Dangerous When Wet	I	1,2	5	
	Sodium hydrogen fluoride	8	UN 2439	Corrosive	II	1,3	1,3	Keep cool and dry
*	Sodium hydrogen sulphate, solid	8	UN 1821	Corrosive	II	1,2	1,2	
*	Sodium hydrogen sulphate, solution	8	UN 2837	Corrosive	II	1,2	1,2	
*	Sodium hydrogen sulphite, solution	8	UN 1909	Corrosive	II	1,2	1,2	
*	Sodium hydrosulphide, solid	4.2	UN 2318	Spontaneously Combustible	II	1,2	1,2	
*	Sodium hydrosulphite	4.2	UN 1384	Spontaneously Combustible	II	1,2	1,2	New metal drums only under deck
	Sodium hydroxide, solid	8	UN 1823	Corrosive	II	1,2	1,2	Keep dry
	Sodium hydroxide, solution	8	UN 1824	Corrosive	II	1,2	1,2	
	Sodium, (metal)	4.3	UN 1428	Dangerous When Wet	II	1,2	5	
	Sodium metal, dispersion in organic liquids	4.3	UN 1429	Dangerous When Wet	I	1,2	5	
	Sodium methylate	4.3	UN 1431	Dangerous When Wet	I	1,2	1	
	Sodium methylate, solutions in alcohol	3.2	UN 1289	Flammable Liquid	II	1,2	1	
		3.3	UN 1289	Flammable Liquid	II	1,2	1,2	
	Sodium monoxide	8	UN 1825	Corrosive	II	1,2	1,2	Keep dry
	Sodium nitrate	5.1	UN 1498	Oxidizer	III	1,2	1,2	
	Sodium nitrate and potash, mixture	5.1	UN 1478	Oxidizer	II	1,2	1,2	
	Sodium nitrate and potassium nitrate, mixtures	5.1	UN 1499	Oxidizer	III	1,2	1,2	
	Sodium nitrate bags, empty. See Bags, empty and unwashed, etc.							
	Sodium nitrite	5.1	UN 1500	Oxidizer	II	1,2	1,2	
*	Sodium pentachlorophenate	6.1	UN 2567	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Sodium percarbonates	5.1	UN 2467	Oxidizer	III	1,2	1,2	Keep dry
	Sodium perchlorate	5.1	UN 1502	Oxidizer	II	1,2	1,2	Stow 'away from' foodstuffs, 'separated from' ammonium compounds and cyanides. Paper bags prohibited on passenger vessels
	Sodium permanganate	5.1	UN 1503	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds and hydrogen peroxide
	Sodium peroxide	5.1	UN 1504	Oxidizer	I	1,2	1	Keep dry. Stow 'away from' powdered metals, permanganates, and combustible packagings and cargo
	Sodium persulphate	5.1	UN 1505	Oxidizer	III	1,2	1,2	
	Sodium phenolate, solid	8	UN 2497	Corrosive	III	1,2	1,2	
	Sodium phosphide	4.3	UN 1432	Dangerous When Wet, Poison	I	1	5	
N	Sodium picramate, dry or containing, by weight, less than 20% water	1.3C	UN 0235	Explosive (1.3C)	-	-	-	
*	Sodium picramate, wetted with, by weight, at least 20% water	4.1	UN 1349	Flammable Solid	I	1,2	5	Stow 'away from' heavy metals and their compounds
	Sodium-potassium, alloy. See Potassium-sodium, alloy							
N	Sodium salts of nitro-aromatic derivatives, explosive	1.3C	UN 0203	Explosive (1.3C)	-	-	-	
*	Sodium silicofluoride	6.1	UN 2674	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
	Sodium sulphide, anhydrous or containing less than 30% water of crystallization	4.2	UN 1385	Spontaneously Combustible	II	1,2	1,2	Stow 'separated from' acids
	Sodium sulphide, hydrated, containing not less than 30% water of crystallization	9	UN 1849	None	II	1,2	1,2	Stow 'separated from' explosives and acids

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identi- fication Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c) Other requirements
						Cargo vessel	Pass- enger vessel	
	Sodium superoxide	5.1	UN 2547	Oxidizer	I	1,2	5	Keep dry. Stow 'away from' powdered metals, permanganates and combustible packaging and cargo
	Solvents, (non-toxic), n.o.s.	3.2	UN 1998	Flammable Liquid	II	1,2	1	
	Solvents, (toxic), n.o.s.	3.2	UN 1997	Flammable Liquid, Poison	II	1,2	1,2	
		3.3	UN 1997	Flammable Liquid, Poison	II	1,2	1,2	
N	Sounding devices, explosive	1.1E	UN 0374	Explosive (1.1E)	-	-	-	
N	Sounding devices, explosive	1.2E	UN 0375	Explosive (1.2E)	-	-	-	
N	Sounding devices, explosive	1.1F	UN 0296	Explosive (1.1F)	-	-	-	
N	Sounding devices, explosive	1.2F	UN 0204	Explosive (1.2F)	-	-	-	
	Spent mixed acid. See Acid mixtures, spent							
	Spirits of salts. See Hydrochloric acid							
	Squibs	1.4 S	UN 0206	None. Package to be marked '1.4 S'	-	1,3	1,3	
	Stains. See Paints, etc.							
	Stannic chloride, anhydrous	8	UN 1827	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on pas- senger vessels
	Stannic chloride pentahydrate	8	UN 2440	Corrosive	III	1,2	1,2	Keep dry
	Stannic phosphides	4.3	UN 1433	Dangerous When Wet	I	1	5	
	Steel swarf. See Iron swarf							
	Stibine	2.3	(UN 1953)	Poison Gas, Flammable Gas	-	1	5	Stow 'away from' living quarters
	Straw	4.1	UN 1327	None	III	1,2	1,2	Stow 'away from' animal or vegetable oils
	Strike anywhere matches. See Matches, strike anywhere							
	Strontium, alloy, non-pyrophoric	4.3	UN 1434	Dangerous When Wet	II	1,2	5	
	Strontium arsenite	6.1	UN 1691	Poison	II	1,2	1,2	
	Strontium chlorate	5.1	UN 1506	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals, 'separat- ed from' ammonium compounds
	Strontium nitrate	5.1	UN 1507	Oxidizer	III	1,2	1,2	
	Strontium perchlorate	5.1	UN 1508	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals
	Strontium peroxide	5.1	UN 1509	Oxidizer	II	1,2	1,2	Keep dry
	Strontium phosphide	4.3	UN 2013	Dangerous When Wet, Poison	I	1	5	
	Strontium, powdered. See Pyrophoric metals							
	Styrene monomer, inhibited	3.3	UN 2055	Flammable Liquid	II	1,2	1,2	
N	Substances, explosive, n.o.s.	1.1L	UN 0357	Explosive (1.1L)	-	-	-	
N	Substances, explosive, n.o.s.	1.2L	UN 0358	Explosive (1.2L)	-	-	-	
N	Substances, explosive, n.o.s.	1.3L	UN 0359	Explosive (1.3L)	-	-	-	
*	Substituted nitrophenol pesticides, liquid, n.o.s.	6.1	UN 2779	Poison	I	1	1	
		6.1	UN 2779	Poison	II	1,2	1	
		6.1	UN 2779	St. Andrews Cross	III	1,2	1,2	
*	Substituted nitrophenol pesticides, liquid, n.o.s., flashpoint between 23 deg C and 61 deg C	6.1	UN 2779	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2779	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2779	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
*	Substituted nitrophenol pesticides, n.o.s., flashpoint below 23 deg C	3.2	UN 2780	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
*	Substituted nitrophenol pesticides, solid, n.o.s.	6.1	UN 2779	Poison	I/II	1,2	1,2	
		6.1	UN 2779	St. Andrews Cross	III	1,2	1,2	
*	Succinic acid peroxide. See Disuccinic acid peroxide							
	Sulphides, n.o.s.	4.2	-	Spontaneously Combustible	III	1	5	
	Sulphur chlorides	8	UN 1828	Corrosive	I	1	1	Keep dry. Glass carboys prohibited on pas- senger vessels
	Sulphur dichloride. See Sulphur chlorides							
*	Sulphur dioxide, liquefied	2.3	UN 1079	Poison Gas	-	1,2	5	Stow 'away from' living quarters
	Sulphur hexafluoride	2.2	UN 1080	Nonflammable Gas	-	1,2	1,2	
	Sulphuric acid, containing more than 51% acid	8	UN 1830	Corrosive	II	1,2	1	Stow 'away from' fluorides and all other cor- rosives except nitric acids, sulphur trioxide and other sulphuric acids
	Sulphuric acid, containing not more than 51% acid	8	UN 1830	Corrosive	II	1,2	1	Stow 'away from' fluorides. Glass carboys in hampers not permitted under deck
	Sulphuric acid, fuming	8	UN 1831	Corrosive	I	1,2	1	Stow 'away from' fluorides and all other cor- rosives except nitric acids, sulphur trioxide and other sulphuric acids
	Sulphuric acid, spent	8	UN 1832	Corrosive	II	1,2	1	Stow 'away from' fluorides. For concentra- tions of more than 51% acid, stow 'away from' all other corrosives except nitric acids, sulphur trioxide and other sulphuric acids
	Sulphuric and hydrofluoric acid, mixtures. See Acid mixtures, hydro- fluoric and sulphuric							

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a) Cargo vessel	(b) Pas- senger vessel	(c) Other requirements
	Sulphuric anhydride. See Sulphur trioxide, stabilized Sulphur, lump or powder	4.1	UN 1350	Flammable Solid	III	1,2	1,2	Protect from sparks and open flame. Stow 'separated from' oxidizing substances
	Sulphur, molten	4.1	UN 2448	Flammable Solid	III	1	1	Stow 'separated from' oxidizers, 'away from' living quarters. Protect from sparks and open flame
	Sulphurous acid	8	UN 1833	Corrosive	II	1,2	1	Glass carboys in hampers not permitted under deck
	Sulphur tetrafluoride	2.3	UN 2418	Poison Gas	-	1	5	Stow 'away from' living quarters
	Sulphur trioxide, stabilized	8	UN 1829	Corrosive	I	1,2	1,2	Keep dry. Glass bottles not permitted under deck. Stow 'away from' other corrosives except nitric and sulphuric acids
	Sulphuryl chloride	8	UN 1834	Corrosive	I	1	1	Keep dry. Glass carboys prohibited on passenger vessels
*	Sulphuryl fluoride	2.3	UN 2191	Poison Gas	-	1,2	5	Stow 'away from' living quarters
	Tars, liquid. See Cut-backs, asphalt or bitumen							
	Tear gas candles, non-explosive	6.1	UN 1700	Poison	II	1	5	
	Tear gas grenades, non-explosive. See Tear gas candles							
	Tear gas, (irritating substances, liquid or solid), n.o.s.	6.1	UN 1693	Poison	I/II	1	5	
	Tellurium hexafluoride	6.1	UN 1693	St. Andrews Cross	III	1	5	
	T.E.L. See Motor fuel anti-knock mixtures	2.3	UN 2195	Poison Gas	-	1	5	Stow 'away from' living quarters
	Terpene hydrocarbons n.o.s.	3.3	UN 2319	Flammable Liquid	III	1,2	1,2	
	Terpinolene	3.3	UN 2541	Flammable Liquid	III	1,2	1,2	
*	Tetrabromoethane	6.1	UN 2504	St. Andrews Cross	III	1,2	1,2	
	1,1,2,2-Tetrachloroethane	6.1	UN 1702	Poison	II	1,2	1,2	
	Tetrachloroethylene	6.1	UN 1897	St. Andrews Cross	III	1,2	1,2	
*	Tetraethyl dithiopyrophosphate, liquid or mixtures	6.1	UN 1704	Poison	I/II	1	5	
		6.1	UN 1704	St. Andrews Cross	III	1	5	
*	Tetraethyl dithiopyrophosphate with gases, including solutions and mixtures thereof	2.3	UN 1703	Poison Gas	-	1	5	Stow 'away from' living quarters
	Tetraethylenepentamine	8	UN 2320	Corrosive	III	1,2	1,2	Glass carboys prohibited on passenger vessels
	Tetraethyl lead. See Motor fuel anti-knock mixtures							
*	Tetraethyl pyrophosphate and compressed gas, mixture	2.3	UN 1705	Poison Gas	-	1	5	Stow 'away from' living quarters
	Tetraethyl silicate	3.3	UN 1292	Flammable Liquid	II	1,2	1,2	
	Tetrafluoroethylene, inhibited	2.2	UN 1081	Nonflammable Gas	-	1,2	1,2	Stow 'away from' living quarters
	Tetrafluorohydrazine	2.3	UN 1955	Poison Gas	-	11	5	Stow 'away from' living quarters and readily combustible substances, 'separated from' hydrogen
	Tetrafluoromethane	2.2	UN 1982	Nonflammable Gas	-	1,2	1,2	
	1,2,3,6-Tetrahydrobenzaldehyde	3.3	UN 2498	Flammable Liquid	III	1,2	1,2	
	Tetrahydrofuran	3.1	UN 2056	Flammable Liquid	II	1,2	5	Keep cool
*	Tetrahydrophthalic anhydrides	8	UN 2698	None. Package to be as marked 'Class 8'	III	1,2	1,2	Keep dry
	1,2,3,6-Tetrahydropyridine	3.2	UN 2410	Flammable Liquid	II	1,2	1	
	Tetrahydrothiophene	3.2	UN 2412	Flammable Liquid	II	1,2	1	
	Tetralin hydroperoxide, technical pure	5.2	UN 2136	Organic Peroxide	I	1	5	
	Tetramethylammonium hydroxide	8	UN 1835	Corrosive	II	1,2	1,2	
	1,1,3,3-Tetramethyl butyl hydroperoxide, technical pure	5.2	UN 2160	Organic Peroxide	II	1	5	
*	1,1,3,3-Tetramethyl butyl peroxy-2-ethyl hexanoate, technical pure	5.2	UN 2161	Organic Peroxide	I	1	5	Control temperature 20 deg C. Emergency temperature 25 deg C
	Tetramethylsilane	3.1	UN 2749	Flammable Liquid	I	1	5	Keep cool. Shade from radiant heat
N	Tetranitro-aniline	1.1D	UN 0207	Explosive (1.1D)	-	-	-	
	Tetranitromethane	5.1	UN 1510	Oxidizer	I	1	5	Shade from radiant heat. Stow 'away from' foodstuffs
*	Tetrapropyl-o-titanate	3.3	UN 2413	Flammable Liquid	II	1,2	1,2	
*N	Tetrazol-1-acetic acid	1.4C	UN 0407	Explosive (1.4C)	-	-	-	
	Textile waste, (wet), n.o.s.	4.2	UN 1857	Spontaneously Combustible	III	1,2	1,2	
*	Thallium chlorate	5.1	UN 2573	Oxidizer, Poison	II	1,2	1,2	Stow 'separated from' ammonium compounds and foodstuffs and 'away from' finely powdered metals
*	Thallium compounds, n.o.s.	6.1	UN 1707	Poison	II	1,2	1,2	
*	Thallium nitrate	6.1	UN 2727	Poison	II	1,2	1,2	Stow 'away from' living quarters
*	4-Thiapentanal	6.1	UN 2785	St. Andrews Cross, Flammable Liquid (only if flashpoint below 61 deg C)	III	1	5	Segregation same as for flammable liquids if flashpoint below 61 deg C. Shade from radiant heat and sunlight. Stow 'away from' living quarters, acids and bases
	Thinners. See Paints, etc.							
	Thinning liquid. See Flammable liquid preparations, n.o.s.							
	Thioacetic acid	3.2	UN 2436	Flammable Liquid	II	1,2	1	
	Thiocarbonyl chloride. See Thiophosgene							
	Thioglycolic acid	8	UN 1940	Corrosive	II	1,2	1,2	Glass carboys in hampers prohibited under deck
	Thionyl chloride	8	UN 1836	Corrosive	I	1	1	Keep dry. Glass carboys prohibited on passenger vessels
	Thiophene	3.2	UN 2414	Flammable Liquid	II	1,2	1	
*	Thiophosgene	6.1	UN 2474	Poison	II	1,2	1	Stow 'away from' acids and living quarters

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Storage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
	Thiophosphoryl chloride	8	UN 1837	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on pas- senger vessels
*	Thiourea	6.1	UN 2877	St. Andrews Cross	III	1,2	1,2	
	Tin chloride, fuming. See Stannic chloride, anhydrous							
	Tinctures, medicinal	3.2	UN 1293	Flammable Liquid	II	1,2	1	
	Tin tetrachloride. See Stannic chloride, anhydrous							
	Titanium hydride	4.1	UN 1871	Flammable Solid	II	1,2	5	
*	Titanium metal powder, dry	4.2	UN 2546	Spontaneously Combustible	II	1,2	5	
*	Titanium metal powder, wetted with not less than 25% water (a visible excess of water must be present)	4.1	UN 1352	Flammable Solid	II	1,2	5	
	Titanium tetrachloride	8	UN 1838	Corrosive	II	1	1	Keep dry. Glass carboys prohibited on pas- senger vessels
*	Titanium trichloride mixtures, non-pyrophoric	8	UN 2869	Corrosive	II	1,2	1,2	Keep dry
*	Titanium trichloride, pyrophoric or Titanium trichloride mixtures, pyrophoric	4.2	UN 2441	Spontaneously Combustible, Corrosive	II	1,2	1,2	
	Toe puffs, nitrocellulose base	4.1	UN 1353	Flammable Solid	III	1	5	
	Toluene	3.2	UN 1294	Flammable Liquid	II	1,2	1	
	Toluene diisocyanate (T.D.I.)	6.1	UN 2078	Poison	II	1,3	1,3	Shade from radiant heat. Stow 'away from' living quarters and sources of heat
	Toluidines (o-, m-, p-)	6.1	UN 1708	Poison	II	1,2	1,2	Stow 'away from' acids
	2,4-Toluylenediamine	6.1	UN 1709	St. Andrews Cross	III	1,2	1,2	
N	Torpedoes, with bursting charge	1.1E	UN 0329	Explosive (1.1E)	-	-	-	
N	Torpedoes, with bursting charge	1.1F	UN 0330	Explosive (1.1F)	-	-	-	
	Tracers for ammunition	1.4 G	UN 0306	Explosive (1.4G)	-	1,3	1,3	
N	Tracers for ammunition	1.3G	UN 0212	Explosive (1.3G)	-	-	-	
	Triallylamine	3.3	UN 2610	Flammable Liquid	II	1,2	1,2	
*	Triallyl borate	6.1	UN 2609	St. Andrews Cross, Flammable Liquid (only if flashpoint below 61 deg C)	III	1,3	1,3	Keep cool and dry. Shade from radiant heat. If flashpoint below 61 deg C, segregation same as for flammable liquids
*	Triazine pesticides, liquid, n.o.s.	6.1	UN 2763	Poison	I	1	1	
		6.1	UN 2763	Poison	II	1,2	1	
		6.1	UN 2763	St. Andrews Cross	III	1,2	1,2	
*	Triazine pesticides, liquid, n.o.s., flashpoint between 23 deg C and 61 deg C	6.1	UN 2763	Poison, Flammable Liquid	I	1	1	Segregation same as for flammable liquids
		6.1	UN 2763	Poison, Flammable Liquid	II	1,2	1	Segregation same as for flammable liquids
		6.1	UN 2763	St. Andrews Cross, Flammable Liquid	III	1,2	1,2	Segregation same as for flammable liquids
*	Triazine pesticides, n.o.s., flashpoint below 23 deg C	3.2	UN 2764	Flammable Liquid and Poison or St. Andrews Cross (according to toxicity)	I/II	1,2	1	
*	Triazine pesticides, solid, n.o.s.	6.1	UN 2763	Poison	I/II	1,2	1,2	
		6.1	UN 2763	St. Andrews Cross	III	1,2	1,2	
	Tributylamine	8	UN 2542	Corrosive	III	1,2	1,2	
*	Trichloroacetic acid, solid	8	UN 1839	Corrosive	II	1,2	1,2	Keep dry
	Trichloroacetic acid, solutions	8	UN 2564	Corrosive	II	1,2	1	Glass carboys in hampers prohibited under deck
	Trichloroacetyl chloride	8	UN 2442	Corrosive	II	1	5	Keep dry.
*	Trichlorobenzenes, liquid	6.1	UN 2321	St. Andrews Cross	III	1,2	1,2	Stow 'away from' living quarters
*	Trichlorobutene	6.1	UN 2322	Poison	II	1,2	1,2	Shade from radiant heat. Stow 'away from' living quarters
*	1,1,1-Trichloroethane	6.1	UN 2831	St. Andrews Cross	III	1,2	1,2	
	Trichloroethylene	6.1	UN 1710	St. Andrews Cross	III	1,2	1,2	
	Trichloroisocyanuric acid, dry	5.1	UN 2468	Oxidizer	II	1,2	1,2	Shade from radiant heat. Keep dry. Stow 'separated from' nitrogen compounds
	Trichlorosilane	4.3	UN 1295	Dangerous When Wet, Flammable Liquid	I	1	5	
	Tricresylphosphate, with more than 3% ortho isomer	6.1	UN 2574	Poison	II	1,2	1,2	
	Triethylaluminum. See Aluminium triethyl							
	Triethylamine	3.2	UN 1296	Flammable Liquid	II	1,2	1	
*	Triethylenediamine	8	UN 2675	Corrosive	III	1,2	1,2	
	Triethylenetetramine	8	UN 2259	Corrosive	II	1,2	1	Stow 'separated from' nitric acid, 'away from' acids, copper and copper alloys and living quarters
	Triethyl phosphite	3.3	UN 2323	Flammable Liquid	III	1,2	1,2	
*	Trifluoroacetic acid	8	UN 2699	Corrosive	I	1,3	1	Keep cool. Stow 'away from' all other corro- sives
	Trifluorobromomethane. See Bromotrifluoromethane							
*	Trifluorochloroethylene, inhibited	2.1	UN 1082	Flammable Gas	-	1,2	1	Stow 'away from' living quarters
	Trifluorochloromethane. See Chlorotrifluoromethane							
	Trifluoroethane	2.1	UN 2035	Flammable Gas	-	1,2	1	Stow 'away from' living quarters
	Trifluoromethane	2.2	UN 1984	Nonflammable Gas	-	1,2	1,2	
	Triisobutyl aluminum	4.2	UN 1930	Spontaneously Combustible	I	1	1	

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a) Cargo vessel	(b) Pas- senger vessel	(c) Other requirements
	Triisobutylene	3.3	UN 2324	Flammable Liquid	II	1,2	1,2	
	Triisopropyl borate	3.3	UN 2616	Flammable Liquid	II	1,2	1,2	
*	Trimethylacetyl chloride	8	UN 2438	Corrosive, Flammable Liquid	II	1	5	Shade from radiant heat. Segregation same as for flammable liquids
	<i>Trimethylaluminum. See Aluminium trimethyl</i>							
	Trimethylamine, anhydrous	2.1	UN 1083	Flammable Gas, Poison Gas	--	1	5	Stow 'away from' living quarters
	Trimethylamine, aqueous solutions containing not more than 30% of trimethylamine	3.2	UN 1297	Flammable Liquid	II	1,2	1	Stow 'away from' mercury and its com- pounds
	1,3,5-Trimethylbenzene	3.3	UN 2325	Flammable Liquid	III	1,2	1,2	
	Trimethyl borate	3.1	UN 2416	Flammable Liquid	II	1,3	5	Keep cool
	Trimethylchlorosilane	3.2	UN 1298	Flammable Liquid, Corrosive	I	1,2	1	
	Trimethylcyclohexylamine	8	UN 2326	Corrosive	III	1,2	1,2	Glass carboys prohibited on passenger vessels
*	Trimethylhexamethylene diamines	6.1	UN 2327	Poison	II	1,2	1,2	Glass carboys prohibited on passenger vessels
	Trimethylhexamethylene diisocyanate	6.1	UN 2328	Poison	II	1,2	1	
*	2,6,6-Trimethyl norpinanyl hydroperoxide, technical pure	5.2	UN 2462	Organic Peroxide	I	1	5	
	Trimethyl phosphite	3.3	UN 2329	Flammable Liquid	III	1,2	1,2	
N	Trinitro-aniline	1.1D	UN 0153	Explosive (1.1D)	--	--	--	
N	Trinitroanisole	1.1D	UN 0213	Explosive (1.1D)	--	--	--	
N	Trinitrobenzene, dry or containing, by weight, less than 30% water	1.1D	UN 0214	Explosive (1.1D)	--	--	--	
N	Trinitrobenzenesulfonic acid	1.1L	UN 0386	Explosive (1.1L)	--	--	--	
*	Trinitrobenzene, wetted with, by weight, at least 10% water	4.1	UN 1354	Flammable Solid	I	1	5	Stow 'away from' heavy metals and their compounds
N	Trinitrobenzoic acid, dry or containing, by weight, less than 30% water	1.1D	UN 0215	Explosive (1.1D)	--	--	--	
*	Trinitrobenzoic acid, wetted with, by weight, at least 10% water	4.1	UN 1355	Flammable Solid	I	1	5	Stow 'away from' heavy metals and their compounds
N	Trinitrochlorobenzene	1.1D	UN 0195	Explosive (1.1D)	--	--	--	
N	Trinitrofluorenone	1.1D	UN 0387	Explosive (1.1D)	--	--	--	
N	Trinitrometacresol	1.1D	UN 0216	Explosive (1.1D)	--	--	--	
N	Trinitronaphthalene	1.1D	UN 0217	Explosive (1.1D)	--	--	--	
N	Trinitrophenetole	1.1D	UN 0218	Explosive (1.1D)	--	--	--	
N	Trinitrophenol, dry or containing, by weight, less than 30% water	1.1D	UN 0194	Explosive (1.1D)	--	--	--	
	<i>Trinitrophenol, wetted. See Picric acid, wetted</i>							
N	Trinitrophenylmethylisotriamine	1.1D	UN 0208	Explosive (1.1D)	--	--	--	
N	Trinitrosorsorcinol, containing, by weight, not less than 20% water or mixture of alcohol and water	1.1D	UN 0394	Explosive (1.1D)	--	--	--	
N	Trinitrosorsorcinol, dry or containing, by weight, less than 20% water or mixture of alcohol and water	1.1D	UN 0219	Explosive (1.1D)	--	--	--	
N	Trinitrotoluene, dry or containing, by weight, less than 30% water	1.1D	UN 0209	Explosive (1.1D)	--	--	--	
N	Trinitrotoluene mixed with hexanitrostilbene	1.1D	UN 0384	Explosive (1.1D)	--	--	--	
N	Trinitrotoluene mixed with trinitrobenzene	1.1D	UN 0388	Explosive (1.1D)	--	--	--	
N	Trinitrotoluene mixed with trinitrobenzene and hexanitrostilbene	1.1D	UN 0389	Explosive (1.1D)	--	--	--	
*	Trinitrotoluene, wetted with, by weight, at least 10% water	4.1	UN 1356	Flammable Solid	I	1	5	Stow 'away from' heavy metals and their compounds
*	Tripropylaluminum	4.2	UN 2718	Spontaneously Combustible	I	1	5	
	Tripropylamine	3.3	UN 2280	Flammable Liquid, Corrosive	II	1,2	1,2	
	Tripropylene	3.2	UN 2057	Flammable Liquid	II	1,2	1	
		3.3	UN 2057	Flammable Liquid	II	1,2	1,2	
*	Tris-(1-aziridinyl)phosphine oxide, solution	6.1	UN 2504	Poison	II	1,2	1,2	Stow 'away from' living quarters
N	Tritonal	1.1D	UN 0390	Explosive (1.1D)	--	--	--	
	Tungsten hexafluoride	2.3	UN 2196	Poison Gas	--	1	5	Stow 'away from' living quarters
	Turpentine	3.3	UN 1299	Flammable Liquid	III	1,2	1,2	
	Turpentine substitute	3.2	UN 1300	Flammable Liquid	II	1,2	1	
		3.3	UN 1300	Flammable Liquid	II	1,2	1,2	
	<i>U D M H. See Dimethylhydrazine, unsymmetrical</i>							
	Undecane	3.3	UN 2330	Flammable Liquid	III	1,2	1,2	
	Urea hydrogen peroxide	5.1	UN 1511	Oxidizer	III	1,2	1,2	Keep dry. Shade from radiant heat
N	Urea nitrate, dry or containing, by weight, less than 20% water	1.1D	UN 0220	Explosive (1.1D)	--	--	--	
	Urea nitrate, wetted with, by weight, at least 10% water	4.1	UN 1357	Flammable Solid	I	1,2	1,2	
	Valeraldehyde	3.2	UN 2058	Flammable Liquid	II	1,2	1	
	Valeryl chlorides	8	UN 2502	Corrosive	II	1	1	Keep dry
	Vanadium oxitrichloride	8	UN 2443	Corrosive	II	1	1	Keep dry. Stow 'away from' organic com- pounds
*	Vanadium pentoxide, non-fused form	6.1	UN 2862	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Vanadium tetrachloride	8	UN 2444	Corrosive	I	1	1	Keep dry. Glass carboys prohibited on pas- senger vessels
	Vanadium trichloride	8	UN 2475	Corrosive	III	1,2	1,2	Keep dry
*	Vanadium trioxide, non-fused form	6.1	UN 2860	Poison	II	1,2	1,2	Stow 'away from' living quarters
	Varnish. See Paints, etc.							
	Vinyl acetate, inhibited	3.2	UN 1301	Flammable Liquid	II	1,2	1	
	Vinyl bromide, inhibited	2.1	UN 1085	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Vinyl chloride, inhibited	2.1	UN 1086	Flammable Gas	--	1,2	1	Stow 'away from' living quarters
	Vinyl ethyl ether, inhibited	3.1	UN 1302	Flammable Liquid	I	1,3	5	Keep cool

172.102 Optional Hazardous Materials Table (Cont'd)

(1) Notes and Symbols	(2) Hazardous Materials Description and Proper Shipping Names	(3) IMCO Class	(4) Identifi- cation Number	(5) Label(s) required	(6) Packaging Group	(7) Vessel Stowage Requirements		
						(a)	(b)	(c)
						Cargo vessel	Pass- enger vessel	Other requirements
	Vinyl fluoride, <i>inhibited</i>	2.1	UN 1860	Flammable Gas	—	1,2	1	Stow 'away from' living quarters
	Vinyl isobutyl ether, <i>inhibited</i>	3.2	UN 1304	Flammable Liquid	II	1,2	1	
	Vinyl methyl ether, <i>inhibited</i>	2.1	UN 1087	Flammable Gas	—	1,2	1	Stow 'away from' living quarters
	Vinyl Toluenes (<i>mixed isomers</i>), <i>inhibited</i>	3.3	UN 2618	Flammable Liquid	III	1,2	1,2	
	Vinyl trichlorosilane, <i>inhibited</i>	3.2	UN 1305	Flammable Liquid, Corrosive	I	1,2	1	
N	Warheads, rocket, with <i>bursting or expelling charge</i>	1.4D	UN 0370	Explosive (1.4D)	—	—	—	
N	Warheads, rocket, with <i>bursting or expelling charge</i>	1.4F	UN 0371	Explosive (1.4F)	—	—	—	
N	Warheads, rocket, with <i>bursting charge</i>	1.1D	UN 0286	Explosive (1.1D)	—	—	—	
N	Warheads, rocket, with <i>bursting charge</i>	1.2D	UN 0287	Explosive (1.2D)	—	—	—	
N	Warheads, rocket, with <i>bursting charge</i>	1.1F	UN 0369	Explosive (1.1F)	—	—	—	
N	Warheads, torpedo, with <i>bursting charge</i>	1.1D	UN 0221	Explosive (1.1D)	—	—	—	
	White asbestos. See Asbestos, white							
	White phosphorus, <i>dry</i> . See Phosphorus, white or yellow, dry							
	White phosphorus, <i>wet</i> . See Phosphorus, white or yellow, in water							
	Wood alcohol. See Methanol							
	Wool waste, <i>wet</i>	4.2	UN 1387	Spontaneously Combustible	III	1,2	1,2	
	Xenon	2.2	UN 2036	Nonflammable Gas	—	1,2	1,2	
	Xylenes	3.2	UN 1307	Flammable Liquid	II	1,2	1	
		3.3	UN 1307	Flammable Liquid	II	1,2	1,2	
	Xylenols	6.1	UN 2261	Poison	II	1,2	1,2	
	Xylidines	6.1	UN 1711	Poison	II	1,2	1,2	Stow 'away from' acids
	Xylois. See Xylenes							
	Xylyl bromide	6.1	UN 1701	Poison	II	1	5	
	Yellow phosphorus, <i>dry</i> . See Phosphorus, white or yellow, dry							
	Yellow phosphorus, <i>wet</i> . See Phosphorus, white or yellow, in water							
	Zinc arsenate and arsenite, <i>solid mixtures</i>	6.1	UN 1712	Poison	II	1,2	1,2	
	Zinc ashes	4.3	UN 1435	Dangerous When Wet	III	1,2	1,2	
	Zinc bromate	5.1	UN 2469	Oxidizer	III	1,2	1,2	Stow 'away from' powdered metals and 'separated from' ammonium compounds
	Zinc chlorate	5.1	UN 1513	Oxidizer	II	1,2	1,2	Stow 'away from' powdered metals, 'separated from' ammonium compounds
	Zinc chloride, <i>anhydrous</i>	8	UN 2331	Corrosive	III	1,2	1,2	Keep dry
	Zinc chloride, <i>solution</i>	8	UN 1840	Corrosive	III	1,2	1,2	
	Zinc cyanide	6.1	UN 1713	Poison	I	1,2	1,2	Stow 'away from' acids
	Zinc ethyl. See Diethylzinc							
	Zinc hydrosulphite	9	UN 1931	None	III	1,2	1,2	Keep dry. Stow 'away from' acids
	Zinc nitrate	5.1	UN 1514	Oxidizer	II	1,2	1,2	
	Zinc permanganate	5.1	UN 1515	Oxidizer	II	1,2	1,2	Stow 'separated from' ammonium compounds and hydrogen peroxide
	Zinc peroxide	5.1	UN 1516	Oxidizer	II	1,2	1,2	Keep dry
	Zinc phosphide	4.3	UN 1714	Dangerous When Wet, Poison	I	1	5	
	Zinc, <i>powder or dust, non-pyrophoric</i>	4.3	UN 1436	Dangerous When Wet	II	1,2	1,2	
	Zinc, <i>powder or dust, pyrophoric</i> . See Pyrophoric metals							
	Zinc resinate	4.1	UN 2714	Flammable Solid	III	1,2	1,2	
	Zinc silicofluoride	6.1	UN 2855	St. Andrews Cross	III	1,2	1,2	Stow 'away from' acids
	Zirconium hydride	4.1	UN 1437	Flammable Solid	II	1,2	5	
	Zirconium, <i>metal, dry, coiled wire, finished metal sheets, strip (thinner than 18 microns)</i>	4.2	UN 2009	Spontaneously Combustible	III	1	5	
	Zirconium, <i>metal, dry, finished sheets, strip or coiled wire (thinner than 254 microns but not thinner than 18 microns)</i>	4.1	UN 2858	Flammable Solid	III	1,2	1,2	
	Zirconium metal powder, <i>dry</i>	4.2	UN 2008	Spontaneously Combustible	II	1	5	
	Zirconium metal powder, <i>wetted with not less than 25% water to visible excess of water must be present</i>	4.1	UN 1358	Flammable Solid	II	1,2	5	
	Zirconium nitrate	5.1	UN 2728	Oxidizer	III	1,2	1,2	Shade from radiant heat
N	Zirconium picramate, <i>dry or containing, by weight, less than 20% water</i>	1.3C	UN 0236	Explosive (1.3C)	—	—	—	
	Zirconium picramate, <i>wetted with, by weight, at least 20% water</i>	5.1	UN 1517	Oxidizer	I	1	5	Stow 'away from' heavy metals and their salts
	Zirconium, <i>scrap</i>	4.2	UN 1932	Spontaneously Combustible	III	1	5	
	Zirconium, <i>suspended in flammable liquid</i>	3.1	UN 1308	Flammable Liquid	II	1	5	Keep cool
	Zirconium tetrachloride	8	UN 2503	Corrosive	III	1,2	1,2	Keep dry

Note.—The Materials Transportation Bureau has determined that, since this rule does not impose additional requirements and should have the net result of reducing costs and duplicative regulatory burdens, this document will not result in a "major rule" under the terms of Executive Order 12291, nor is it a "significant regulation" under DOT's regulatory policy and procedures (44 FR 11034). Furthermore, this rule does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and an environmental assessment are available for review in the docket.

Issued in Washington, D.C., on May 20, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

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federal register

Monday
June 1, 1981

Part III

Department of Justice

**Office of Juvenile Justice and
Delinquency Prevention**

Formula Grants for Juvenile Justice

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and
Delinquency Prevention

28 CFR Part 31

Formula Grants for Juvenile Justice

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Proposed regulations: request for public comment.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is publishing for public comment proposed regulations to implement the formula grant program authorized by Part B of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended by the Juvenile Justice Amendments of 1980 (Pub. L. 96-509, December 8, 1980).

The Juvenile Justice Amendments of 1980 reauthorize and modify the Federal assistance program to State and local governments and private not-for-profit agencies for juvenile justice and delinquency prevention improvements. These proposed regulations implement the statutory changes instituted by the new legislation including the streamlining of state plan requirements, establishing a simple 3-year plan, providing a new requirement for removal of juveniles from adult jails and lock-ups, additional emphasis to the problem of juveniles who commit serious crimes, and a focus on the use of resources to maintain and strengthen the family unit. The proposed regulations detail procedures and requirements for formula grant applications under the revised Act. Additional requirements for grant administration and fund accounting are set forth in the Office of Justice Assistance, Research, and Statistics, Financial and Administrative M 7100.1B, October 31, 1980.

Although the Administration has recommended no budget for fiscal year 1982, the final outcome concerning the future of the program is uncertain. Because the work on these draft regulations has been completed, there is no reason to delay receiving public comment.

DATE: Comments are due on or before July 15, 1981. All comments will be considered in the publication of the final regulations. OJJDP invites comments particularly on § 31.703(h)(4).

ADDRESS: Send all comments to David D. West, Director, Formula Grants and Technical Assistance Division, OJJDP, 633 Indiana Avenue NW., Washington, D.C. 20531.

FOR FURTHER INFORMATION CONTACT: Frank M. Pórpötáge, II, Formula Grants and Technical Assistance Division, OJJDP, 633 Indiana Avenue NW., Washington, D.C. 20531; telephone 202/724-5911.

SUPPLEMENTARY INFORMATION: This announcement does not constitute a "major" rule as defined by Executive Order 12291 because it does not result in: (a) an effect on the economy of \$100 million or more, (b) a major increase in any costs or prices, or (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprises.

This proposed rule, if promulgated, will not have "significant" economic impact on a substantial number of small "entities", as defined by the Regulatory Flexibility Act (Pub. L. 96-354).

Accordingly, it is proposed to amend 28 CFR Part 31 to read as follows:

PART 31—FORMULA GRANTS**Subpart A—General Provisions**

Sec.

- 31.1 General.
- 31.2 Purpose of program.
- 31.3 Statutory authority.
- 31.4 Research and statistics.
- 31.5 Submission date.
- 31.6 Further information.

Subpart B—Eligible Applicants

- 31.100 General.
- 31.101 State government.

Subpart C [Reserved]**Subpart D [Reserved]****Subpart E [Reserved]****Subpart F—Additional Requirements**

- 31.500 General.
- 31.501 Juvenile justice maintenance of effort.
- 31.502 Audit.
- 31.503 Civil rights.
- 31.504 Open meetings and public access to records.

Subpart G [Reserved]**Subpart H—Juvenile Justice**

- 31.700 General.
- 31.701 Fund availability.
- 31.702 Applicant state agency.
- 31.703 Substantive requirements.
- 31.704 Definitions.

Subpart I—General Conditions and Assurances

- 31.800 Compliance with statute.
- 31.801 Compliance with other Federal laws, orders, circulars.
- 31.802 Application on file.
- 31.803 Non-discrimination.
- 31.804 Lobbying.
- 31.805 Applicability.

Authority: Juvenile Justice and Delinquency Prevention Act of 1974, as amended (42 U.S.C. 5601 et seq.).

Subpart A—General Provisions**§ 31.1 General.**

This Part defines eligibility and sets forth requirements for application for and administration of formula grants to State governments authorized by Part B, Subpart I, of the Juvenile Justice and Delinquency Prevention Act. These regulations simplify the application process, reduce paperwork, and emphasize the submission of certifications and assurances, rather than detailed and voluminous applications.

§ 31.2 Purpose of program.

This program allocates monies among the States by formula to undertake juvenile justice improvement efforts in accord with broad statutorily-specified purposes. States and localities have discretion to determine priorities and propose programs and projects based on analysis of their needs and problems.

§ 31.3 Statutory authority.

The statute establishing the Office of Juvenile Justice and Delinquency Prevention and giving authority to make grants for juvenile justice and delinquency prevention improvement programs is the *Juvenile Justice and Delinquency Prevention Act of 1974*, as amended (42 U.S.C. 5601 et seq.). Formula grants are authorized to States which in turn make subgrants for use by State and local public and private agencies in carrying out juvenile justice and delinquency prevention improvement programs. Complete application requirements for this grant program are detailed in Subpart H of this Regulation. In addition to formula grants, the Juvenile Justice and Delinquency Prevention Act authorizes a major national-level categorical grant program called:

Special Emphasis Grants. (Part B, Subpart II, of the Juvenile Justice and Delinquency Prevention Act). These grants provide assistance to public and private agencies for juvenile justice demonstration and improvement programs. Information and application requirements for these related grant program may be obtained or requested from OJJDP's Special Emphasis Division.

§ 31.4 Research and statistics.

The Juvenile Justice and Delinquency Prevention Act authorizes programs of juvenile justice statistics and research. These programs are administered by the National Institute of Juvenile Justice and Delinquency Prevention (NIJJDP).

§ 31.5 Submission date.

Juvenile Justice Plans for Fiscal Year 1982 shall be submitted to the OJJDP by August 31, 1981.

§ 31.6 Further information.

Persons requesting additional information about OJJDP programs should contact: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531.

Subpart B—Eligible Applicants**§ 31.100 General.**

This subpart describes who may apply for formula grants under the Juvenile Justice and Delinquency Prevention Act and the general responsibilities and functions of applicants.

§ 31.101 State government.

All States are eligible to apply for and receive formula grants authorized by the Juvenile Justice and Delinquency Prevention Act. States are defined to include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(a) *Establishment of State Criminal Justice Council.* Each state which chooses to apply for a formula grant may establish or designate by law a State Criminal Justice Council. This Council must be subject to the jurisdiction of the State's chief executive. The chief executive of the State shall provide professional, technical and clerical support to the Council to enable it to meet its responsibilities under the Act. (sec. 402(b) of the Justice System Improvement Act and sec. 223(a)(1) of the JJDP Act):

(1) *Membership.* (i) Membership requirements are set forth in Section 402(b)(2) of the Justice System Improvement Act.

(ii) States participating in the formula grant program of the Juvenile Justice and Delinquency Prevention Act, must include on the Council the chairperson and at least two additional citizen members of any advisory group established pursuant to sec. 222(a)(3) of that Act. For purposes of this requirement a citizen member is defined as any person who in not a fulltime government employee or elected official. Any executive committee of the Council must include the same proportion of juvenile justice advisory group members as are included in the total Council membership.

(iii) Individual representatives may fulfill the requirements of more than one functional or geographical area where appropriate to the background and expertise of the individual. Federal representation is prohibited except in the District of Columbia, American Samoa, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(2) *Council Functions.* The councils have the basic responsibility for supervising the preparation and administration of each State's Juvenile Justice Act plan. An enumeration of Council functions is set forth in sec. 402(b)(1) of the Justice System Improvement Act.

(3) *Assurance.* States must assure that they have on file and available for review a copy of the state law establishing the Council, and a current list of Council membership that includes information adequate to document compliance with Council representation requirements.

(b) *Alternative State Level Administrative Structure.* Pursuant to sec. 261(c) of the JJDP Act, the Administrator, in his discretion, may determine that sufficient funds have not been appropriated for the activities authorized in Part D of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Justice System Improvement Act of 1979, and is authorized to:

(1) Approve any appropriate State agency designated by the Governor of the State involved as sole agency responsible for supervising the preparation and administration of the State Plan submitted under section 223; and

(2) Establish appropriate administrative and supervisory board membership requirements for any such agency designated by the Governor under sub-paragraph (1) above and permit the State Advisory Group appointed under sec. 223(a)(3) to operate as the supervisory board for such agency, at the discretion of the Governor.

(3) *Approval Action by Administrator.*

(i) A State that wishes to transfer responsibility of the formula grant program from the CJC to another State agency or to modify the composition of the Supervisory board from that which is currently required by law, or both, must submit a request in writing to the OJJDP Administrator which states the rationale for and intent of the governor to designate an agency other than the CJC to administer the program. This request should be submitted to OJJDP prior to designation.

(ii) In approving or disapproving a governor's designation of an appropriate State agency, the OJJDP Administrator will necessarily consider, on a case-by-case basis, the capacity of the designated agency to administer the juvenile justice program to develop the juvenile justice plan; to process grant applications submitted under the juvenile justice plan; to administer grant awarded under the juvenile justice plan; to monitor and evaluate program and projects; to provide necessary administrative/support services; and to perform such accountability functions as are necessary for the administration of Federal funds generally, such as close-out of grants and audit of funds. In the case of the governor's designation of an operating agency that is a significant (i.e., over 10% of total funds) current or potential recipient or user of formula grant funds to carry out its operational responsibilities, the request must demonstrate that the agency's supervisory board will have full policy making authority, including determinations of proper allocations of funds and grant approval, and will be independent of the administrative structure of the operational agency.

(iii) A State that wishes to establish a supervisory board for the CJC agency or a newly designated State agency which will have a composition different from that which is currently required, may designate the State advisory group to perform that function for the formula grant program. Any other composition change proposal will be reviewed to determine whether a "balanced representation" of juvenile justice interests has been provided.

Subpart C [Reserved]**Subpart D [Reserved]****Subpart E [Reserved]****Subpart F—Additional Requirements****§ 31.500 General.**

This subpart sets forth additional requirements under the Justice System Improvement Act (JSIA) of 1979 applicable to formula grant recipients under the JJDP Act of 1974, as amended. Applicants must assure compliance or submit necessary information on these requirements.

§ 31.501 Juvenile justice maintenance of effort.

States must expend at least 19.15 percent of their total annual Part D allocation under the JSIA for juvenile justice and delinquency prevention

related programs and projects. States may expend more than this required minimum at their discretion. States must assure that at a minimum they have allocated 19.15 percent of their JSIA formula grant funds for planning and administrative activities for juvenile justice. Prior OJJDP approval is necessary for any reprogramming of Part D funds out of juvenile justice. OJJDP should be notified of any reprogramming that increases the maintenance of effort level of a specific state.

§ 31.502 Audit.

(a) *Policy.* Pursuant to the JSIA and OMB Circulars A-102 and A-110, as revised, it is OJJDP policy that the audit function is primarily the responsibility of the recipients and subrecipients of Federal funds. Further in accordance with the Act and circulars A-102 and A-110, it is OJJDP policy that:

(1) The State and each of its subgrantees must arrange for and have an audit of its activities. These audits are to determine whether:

(i) Financial operations are conducted properly;

(ii) The financial statements are presented fairly;

(iii) The organization has complied with laws and regulations affecting the expenditure of Federal funds;

(iv) Internal procedures have been established to meet the objectives of federally assisted programs; and

(v) Financial reports to the Federal Government contain accurate and reliable information.

(2) Audits shall be made in accordance with the General Accounting Office Standards for Audit of Governmental Organizations, Programs, Activities and Functions, the Guideline for Financial and Compliance Audits of Federally Assisted Programs, compliance supplements approved by OMB, and generally accepted auditing standards established by the American Institute of Certified Public Accountants.

(3) Audits of the State and each of its subgrantees will be made on an organization-wide basis (entity audits) and not on a grant-by-grant basis.

(4) Audits of the State and each of its subgrantees will usually be made annually, but not less frequently than every two years. Audits will cover the period since the previous audit.

(5) Audit reports, in accordance with GAO reporting standards and applicable requirements in OMB Circulars A-102 and A-110, will be prepared and issued in connection with all audit work. Procedures will be established to ensure the timely and appropriate resolution of the audit

findings and recommendations contained in those reports.

The "Financial and Administrative Guide for Grants" Manual, Guideline M 7100.13, Chapter 8, contains a more comprehensive statement of audit policies and requirements relative to grantees and subgrantees.

(b) *Background.* Uniform administrative requirements can be found (contractors, etc.) in OMB Circulars A-102, revised, "Uniform Administrative Requirements for Grants-In-Aid to State and Local Governments" and A-110, revised, "Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations—Uniform Administrative Requirements". Attachments G and P of Circular A-102 and Attachment F of Circular A-110 specify the audit responsibilities included in these administrative requirements for grantees, subgrantees and subrecipients. Accordingly, the audit responsibilities of all recipients of funds are those specifically established in the JSIA and the referenced Attachments to OMB Circulars A-102 and A-110.

(c) *Application Requirement.* Regarding the audit responsibilities applicable to the State Council and each of its subgrantees, the following must be submitted as part of the State application.

(1) *State Council.* The application must describe the procedures and controls to ensure that:

(i) An audit is performed of the State Council or alternative state agency in accordance with the requirements of OMB Circular A-102. The application must indicate the organization that will conduct the audit of the Council, the approximate timing of audit performance and completion, the audit coverage to be provided including the period of activity to be included, and the assistance, both programmatic and audit, requested.

(ii) An audit report is issued in connection with the State Council audit and three (3) copies are forwarded to the appropriate Federal cognizant audit agency, where assigned, or the Department of Justice Audit Office if none is assigned.

(iii) There is a timely and appropriate resolution of all audit findings and recommendations contained in the audit report of the State Council.

(2) *State Council Subgrantee Audits.* The State application must describe the policy, procedures and control established by the State Council to ensure each of its subgrantees satisfies

the audit requirements. The procedures and controls must include:

(i) Clear notification to all applicants of the audit requirements.

(ii) A mechanism for ensuring that subgrantees explicitly agree to comply with the audit requirements (special or general conditions, specific commitment in the application, etc.).

(iii) A mechanism for determining that subgrantees audits are due or coming due, that necessary audits have been done and that corrective action is appropriately initiated for instances of subgrantees noncompliance with audit responsibilities.

(iv) A control for ensuring that audit reports are prepared upon completion of each subgrantee audit and forwarded to the appropriate Federal cognizant audit agency, where assigned, or to the Department of Justice Internal Audit Office, if none is assigned.

(v) A control for ensuring that subgrantees have a system for the timely and appropriate resolution of all audit findings and recommendations.

§ 31.503 Civil Rights.

(a) *Applicability.* The State must assure that it will comply, and require other applicants located within its State to assure that they will comply, with the following nondiscrimination laws:

(1) Section 815(c) of the Justice System Improvement Act (JSIA), and its implementing regulations, found at 28 CFR 42.201, et seq. and 28 CFR 42.301, et seq.;

(2) Title VI of the Civil Rights Act of 1964, and its implementing regulation, found at 28 CFR 42.101, et seq.;

(3) Section 504 of the Rehabilitation Act of 1973, as amended; and its implementing regulations, found at 28 CFR 42.501 et seq.;

(4) Age Discrimination Act of 1975, as amended;

(5) Executive Order 12138, 44 FR 29637 (May 22, 1979), requiring recipients of federal financial assistance to take appropriate affirmative action in support of women business enterprise; and

(6) Title IX, section 901 of the Educational Amendments of 1972 (Pub. L. 92-318).

(b) *Designation of Civil Rights Compliance Officer.* The State Council shall designate an employee as Civil Rights Compliance Officer. This officer shall:

(1) Secure the assurances listed in § 31.503(a) in every application for assistance under the JJDPA Act;

(2) Require that each state or local unit of government assure in its application that, in the event a Federal or State Court or Federal or State

administrative agency makes a finding of discrimination on the basis of race, color, religion, sex or national origin against the recipient after a due process hearing, the recipient will forward a copy of the finding to the Council and the OJARS Office of Civil Rights Compliance (OCRC) within ten (10) days after receipt of the finding;

(3) Require that every applicant required to formulate an Equal Employment Opportunity Program (EEO) in accordance with 28 CFR 42.301 *et seq.*, submit a certification to the State Grantee that it has an EEO on file;

(4) Require that every criminal justice agency applying for a grant of \$500,000 or more submit a copy of its EEO (if required to maintain one under 28 CFR 42.301, *et seq.*) to OCRC at the same time it submits its application to the State;

(5) Where the Council is required to formulate an EEO pursuant to 28 CFR 42.301 *et seq.*, submit the EEO with the formula grant application, if the application is for \$500,000 or more; and

(6) Serve as liaison with the OJARS Office of Civil Rights Compliance (OCRC). The officer's duties in this regard include informing the public and grantees of an affected person's right to file a complaint of discrimination to OCRC for investigation, and cooperating with OCRC during compliance reviews of recipients located within the State.

§31.504 Open meetings and public access to records.

Pursuant to section 402(e)(2), of the JSIA, State Councils, State Advisory Groups and local criminal justice advisory boards must assure that meetings are open to the public and must give public notice of the time and place, and the nature of the business to be transacted, if final action is to be taken on any application for funds or amendment. Further, they must assure public access to all records relating to their functions, except those required to be kept confidential by local, state or Federal law.

Subpart G [Reserved]

Subpart H—Juvenile Justice

§31.700 General.

(a) The Juvenile Justice and Delinquency Prevention Act provides formula grants to States for use by State and local government and private non-profit agencies in carrying out juvenile justice improvement programs. This subpart sets forth specific requirements for application and receipt of JJDP Act formula grants.

(b) Applications to be submitted by the states must provide for a three year plan submission with annual program updates, performance reports, and a description of the State's status in terms of compliance with statutory plan requirements. In addition, the State plan format for fiscal year 1982 is revised to include a juvenile crime analysis, a plan for the coordination of all State juvenile delinquency programs, and a plan for the removal of juveniles from adult jails. Application forms and additional information will be provided in OJJDP's "Application Kit for Formula Grants under the JJDP Act."

(c) The State application must include programs for the improvement of juvenile justice or the development of delinquency prevention programs funded with JJDP Act formula funds. Programs shall be described in accordance with the standard format set forth in section 703(j)(3). Information to comply with other statutory requirements shall also be included and submitted in the multi-year plan. In many cases a certified assurance will be required thus eliminating the need for voluminous documentation to be submitted. The annual application for fiscal years 1983 and 1984 will require limited information.

§ 31.701 Fund availability.

(a) *Allocation to States.* Each State receives a base allotment of \$225,000 except for the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Mariana Islands where the base amount is \$56,250. Funds are allocated among the States on the basis of relative population under 18 years of age.

(b) *Funds for Local Use.* At least two-thirds of the formula grant allocation to the State must be used for programs by local government, or local private agencies unless the State applies for and is granted a waiver by the Office of Juvenile Justice and Delinquency Prevention.

(c) *Match.* Formula grants under the JJDP Act shall be 100% of approved costs, with the exception of planning and administration funds which must be matched dollar for dollar. Construction projects, funded under section 227(a)(2), require a 50% cash match.

(d) *Funds for Administration.* Not more than 7.5% of the total annual formula grant award may be utilized to develop the annual juvenile justice plan and pay for administrative expenses, including project monitoring and evaluation. These funds are to be matched on a dollar for dollar basis. The State shall make available needed funds

for planning and administration to units of local government or combinations on an equitable basis. Each annual application must identify uses of such funds.

§ 31.702 Applicant state agency.

(a) Pursuant to section 223(a) and (2) of the JJDP Act, the State Council or other state agency designated in accordance with section 261(c) shall assure that it is the sole agency for supervising the preparation and administration of the plan and has the authority to implement the plan.

(b) The Chief Executive shall establish a Juvenile Justice Advisory Group pursuant to section 223(a)(3) of the JJDP Act. A duly appointed SAG must have the opportunity to review and comment on all grant applications. The State shall, as part of the juvenile justice plan:

(1) Provide a list of all current advisory group members, indicating their respective dates of appointment and how each member meets the membership requirements specified in this Section of the Act. The size of the State Advisory Group shall not be less than fifteen (15) members nor more than thirty-three (33).

(2) Indicate those members appointed prior to their 24th birthday as youth members. At least one-fifth of the total membership must be under the age of 24 at the time of their appointment. Full-time elected officials considered to be government employees and may not be appointed to chair advisory groups. Locally elected officials, persons elected to public office for a local unit of government, must be included in the membership.

(3) Assure that three members who have been or are now under the jurisdiction of the juvenile justice system have been appointed to the advisory group.

(4) Indicate the roles, responsibilities and activities of the advisory group concerning those duties listed in section 223(a)(3) of the Act. The advisory group must contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system. The advisory group is required to make annual recommendations to the governor and the State legislature.

(c) Pursuant to section 222(d) of the JJDP Act, the advisory group shall develop a plan for using the five percent minimum allotment. Upon review by the State, the plan shall be submitted as part of the application. The State shall indicate the total amount of funds allocated to the advisory group. For computing that allotment, use the following procedures:

(1) Each State shall allocate a minimum of \$11,250; the Virgin Islands, Guam, American Samoa, Trust Territories of the Pacific Islands, and the Commonwealth of the Northern Marianas shall allocate \$2,812.50. Do not count these funds as part of the maximum 7½% monies set aside for planning and administration. Calculate the latter on the total formula grant award.

(2) Use funds allocated to the advisory groups for such purpose functions and responsibilities set forth in (as are consistent with the) section 223(a)(3) of the JJDP Act. Funds allocated to the advisory group shall not supplant any funds currently allocated to them.

§ 31.703 Substantive requirements.

(a) *Consultation with and Participation of Units of General Local Government.* Pursuant to sections 223(a)(4) and (6) of the JJDP Act, the state shall assure that:

(1) The Chief Executive Officer of such a unit has assigned responsibility for the preparation and administration of its part of the State application.

(2) The State recognizes, consults with, and incorporates the needs of such units into the State application.

(b) *Participation of Private Agencies.* Pursuant to section 223(a)(9) of the JJDP Act, the state shall assure that private agencies have been consulted and allowed to participate in the development and execution of the state application.

(c) *Pass-Through Requirement.* Pursuant to section 223(a)(5) of the JJDP Act, the State must pass through at least 80% of JJDP formula grant funds to units of general local government and to local private agencies unless a waiver is requested by the State and approved by OJJDP. For purposes of this requirement, local private agency is defined as a private non-profit agency or organization that provides program services within an identifiable unit or a combination of units of general local government.

(1) *Inclusion and Compilation of Pass-Through*

(i) Juvenile justice formula grant funds that the State makes available to units of general local governments or combination of units may be included in the compilation of pass-through. This includes funds for planning and administration as well as for programs.

(ii) If a unit of general local government or a combination of units has denied funding to a private agency, yet that agency received formula grant funds for programs consistent with the State application, then include those funds in the compilation of pass-through.

In States lacking regional or local planning units, and in which the State distributes funds directly, a private agency need not first apply to a unit of general local government or a combination of units for funding. Those funds can also be included in the compilation of pass-through. In addition, if a unit of general local government or a combination of units receives pass-through funds from the State and, in turn, refuses to fund a project submitted by a private agency, the State can reduce the local allocation if it funds the project.

(2) *Waiver of Pass-Through Requirements.* State Councils shall make all requests for waivers in writing to the Administrator of OJJDP and enclose a statement setting forth the following:

(i) The extent of State and local implementation of juvenile justice and delinquency prevention programs.

(ii) The extent of State and local financial responsibility for juvenile delinquency programs.

(iii) The extent to which the State provides services or directs outlays for or on behalf of local government (as distinct from statewide services).

(iv) The approval of the State Criminal Justice Council's or Alternative State Agency's Supervisory Board.

(v) Specific comments from local units of government expressing their position regarding the waiver.

(d) *Rights of Privacy of Recipients of Services.* (1) Pursuant to section 223(a)(17) and 229 of the JJDP Act, the State shall assure that it has established procedures to ensure that programs funded under the JJDP Act shall not disclose program records containing the identity of individual juveniles.

Exceptions to this require:

(i) Authorization by law;

(ii) The consent of either the juvenile or his legally authorized representative; or

(iii) Justification that otherwise the functions of this title cannot be performed.

(2) Under no circumstances may public project reports or findings name actual juveniles in the program.

(e) *Deinstitutionalization of Status Offenders and Non-offenders.* Pursuant to section 223(a)(12)(A) of the JJDP Act, the State shall:

(1) Describe in detail its specific plan, procedure, and timetable covering the specific three-year planning cycle, for assuring that:

(i) Juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult; and

(ii) such non-offenders as dependent or neglected children;

shall not be placed in secure detention or secure correctional facilities. Juveniles determined to be in violation of a valid court order may be excluded from this requirement. Refer to Paragraph 31.704(b) for the criteria in determining a valid court order.

(2) Describe the financial, legislative, judicial and administrative barriers the State faces in achieving full compliance with the provisions of this paragraph. All accounts shall include a description of the technical assistance needed to overcome these barriers. These barriers should be keyed to the plan noted in paragraph (1) of this section.

(3) For those States that have achieved "substantial compliance" as outlined in Section 223(c) of the Act, indicate the unequivocal commitment to achieving full compliance. Attach appropriate documentation.

(4) Submit the report required under section 223(a)(12)(B) of the Act as part of the annual monitoring report required by section 223(a)(15) of the Act.

(f) *Contact with Incarcerated Adults.*

(1) Pursuant to section 223(a)(13) of the JJDP Act the State shall:

(i) Describe in detail its specific plan and procedure, covering the three-year planning cycle, for assuring that juveniles alleged to be or found to be delinquent, status offenders, and non-offenders will be removed from any institution in which they have regular sight and sound contact with incarcerated adults, including inmate trustees. This prohibition seeks as absolute a separation as possible and permits no more than haphazard or accidental contact between juveniles and incarcerated adults. In addition, include a specific timetable for compliance and justify any deviation from a previously approved timetable.

(ii) In those isolated instances where juvenile criminal-type offenders remain confined in adult facilities or facilities in which adults are confined, the State must set forth in detail the procedures for assuring no regular sight and sound contact between such juveniles and adults.

(iii) Describe the physical, judicial, fiscal, and legislative barriers which may hinder the separation of alleged or adjudicated criminal type offenders, status offenders and non-offenders from incarcerated adults in any particular jail, lock-up detention or correctional facility. All such accounts shall include a description of the technical assistance needed to overcome those barriers and such technical assistance needs must be incorporated into the application. These

barriers should be keyed to the Annual Plan in § 31.703 (f)(1)(i) above.

(iv) Assure that offenders are not reclassified administratively and transferred to a correctional authority to avoid the intent of segregating adults and juveniles in correctional facilities. However, this does not prohibit or restrict waiver of juveniles to criminal court for prosecution, according to State Law. It does, however, preclude a State from administratively transferring a juvenile offender to an adult correctional authority or a transfer within a mixed juvenile and adult facility for placement with adult criminals either before or after a juvenile reaches the statutory age of majority. It also precludes a State from transferring adult offenders to a juvenile correctional authority for placement.

(2) *Implementation.* Each State shall immediately plan and implement the requirement of this provision.

(g) *Removal of Juveniles from Adult Jails and Lock-ups.* Pursuant to section 223(a)(14) of the JJDP Act, the State shall:

(1) Describe in detail its specific plan, procedure, and timetable for assuring that beginning after the 5-year period following the date of enactment of the Juvenile Justice Amendments of 1980, (e.g., by December 8, 1985) no juvenile shall be detained or confined in any jail or lock-up for adults. Refer to § 31.703(h)(4) to determine the special (exceptional) circumstances which would have to exist to permit, in areas characterized by low population density with respect to the detention of juveniles and where no existing acceptable alternative placement is available, the temporary detention of juveniles accused of serious crimes against persons.

(2) Describe the financial, geographical, judicial, legislative, and administrative barriers which the State faces in removing all juveniles from adult jails and lock-ups. All such accounts shall include a description of the technical assistance needed to overcome those barriers. The barriers should be keyed to the plan for removing juveniles from adult jails and lock-ups noted in paragraph (1) above.

(3) For those States that have achieved "substantial compliance" with section 223(a)(14) as specified in section 223(c) of the Act, indicate the unequivocal commitment to achieving full compliance. Attach appropriate documentation.

(h) *Monitoring of Jails, Detention Facilities and Correctional Facilities.*

(1) Pursuant to section 223(a)(15) of the JJDP Act, except as provided by

subparagraph (h)(7) below, the State shall:

(i) Indicate how it will annually identify and survey all secure detention or correctional facilities, jails, lock-ups, and other facilities usable for the detention and confinement of juveniles.

(ii) Provide a plan for an annual on-site inspection of all such facilities identified in Paragraph (1)(i) above. Such plan shall include the procedure for reporting and investigating compliance complaints in accordance with section 223(a)(12)(A), (13), and (14).

(iii) Include a description of the barriers which the State faces in developing a monitoring system to establish and report the level of compliance with sections 223(a)(12), (13), and (14). All such accounts shall include a description of the technical assistance needed to overcome those barriers and such technical assistance needs must be incorporated into the annual application. The barriers should be keyed to the plan to monitoring for compliance as noted in sub-paragraphs (i and ii) above.

(2) For the purpose of monitoring for compliance with section 223(a)(12)(A) of the Act a secure detention or correctional facility is:

(i) The term "secure detention facility" means any public or private residential facility which—

(A) Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in *lawful custody* in such facility; and

(B) Is used for the temporary placement of any juvenile who is *accused of having committed an offense*, of any *non-offender*, or of any other individual *accused of having committed a criminal offense*.

(ii) The term "secure correctional facility" means any public or private residential facility which—

(A) Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in *lawful custody* in such facility; and

(B) Is used for the placement after adjudication and disposition, of any juvenile who has been *adjudicated as having committed an offense*, any *non-offender*, or any other individual *convicted of a criminal offense*. (Definitions of terms emphasized are found in § 31.704)

(3) *Valid Court Order (Section 223(a)(12)(A).* For the purposes of determining whether a valid court order exists and a juvenile has been found to be in violation of that valid order all of the following conditions must be present prior to secure incarceration:

(i) The juvenile must have been brought into a court of competent jurisdiction and made subject to an order issued pursuant to proper authority.

(ii) The court must enter a judgement and/or remedy in accord with established legal principles based on the facts after a hearing which observes proper procedures.

(iii) The juvenile in question must have received adequate and fair warning of the consequences of violation of the order at the time it was issued and such warning must be provided to the juvenile in writing or be reflected in the court record and proceedings.

(iv) Once a juvenile is alleged to have violated a valid court order, a violation hearing, in the form of a judicial proceeding before a court of competent jurisdiction, must be held.

(v) Prior to and during the violation hearing the following full due process rights must be provided:

(A) The right to have the charges against the juvenile in writing served upon him a reasonable time before the hearing;

(B) The right to a hearing before a court;

(C) The right to an explanation of the nature and consequences of the proceedings;

(D) The right to legal counsel, and the right to have such counsel appointed by the court if indigent;

(E) The right to confront witnesses;

(F) The right to present witnesses;

(G) The right to have a transcript or record of the proceedings; and

(H) The right to appeal to an appropriate court.

(vi) In entering the order that directs or authorizes disposition of placement in a secure facility, the judge presiding over the violation hearing must certify on the record that all the elements of a valid court order, (i, ii, iii above), and the applicable due process rights, were afforded the juvenile and that there is no rational alternative to incarceration of the juvenile.

(4) *Removal Exceptions.* (Section 223(a)(14)). The following conditions must be met in order for an accused juvenile to be temporarily detained (for up to 48 hours) in an adult jail or lock-up:

(i) The area has been certified as having a low population density, i.e., a total county population of less than 10 persons per square mile according to the latest available Bureau of Census data. OJJDP will notify States of these counties upon publication of 1980 Census data.

(ii) The juvenile must be accused of a serious crime against persons to include: criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, and extortion accompanied by threats of violence.

(iii) A determination has been made that there is no existing acceptable alternative placement available pursuant to criteria developed by the State.

(iv) The county is not served by a local or regional juvenile detention facility.

(5) **Reporting Requirement.** The State shall report annually to the Administrator of OJJDP on the results of monitoring for section 223(a)(12), (13) and (14) of the JJDP Act. Three copies of the report shall be submitted to the Administrator of OJJDP no later than December 31 of each year.

(i) To demonstrate the extent of compliance with section 223(a)(12)(A) of the JJDP Act, the report must at least include the following information for both the baseline and the current reporting periods.

(A) Dates of baseline and current reporting period.

(B) Total number of public and private juvenile detention and correctional facilities AND the number inspected on-site.

(C) Total number of accused status offenders and non-offenders held in any secure detention or correctional facility as defined in § 31.703(h)(2) for longer than 24 hours.

(D) Total number of adjudicated status offenders and non-offenders held in any secure detention or correctional facility as defined in § 31.703(h)(2) excluding those held pursuant to a finding of violation of a valid court order.

(E) Total number of adjudicated status offenders held in any secure detention or correctional facilities pursuant to judicial certification of a violation of a valid court order.

(F) Total number of accused and adjudicated status offenders and non-offenders held in any adult jail or lock-up as defined in § 31.704.

(ii) To demonstrate compliance with section 223(a)(12)(B) of the JJDP Act, the report must include the total number of accused and adjudicated status offenders and non-offenders placed in facilities that are:

(A) Not near their home community;

(B) Not the least restrictive appropriate alternative; and

(C) Not community-based.

(iii) To demonstrate the progress and extent of compliance with section 223(a)(13) of the JJDP Act, the report must at least include the following

information for both the baseline and the current reporting periods.

(A) Designated date for achieving full compliance.

(B) The total number of facilities that can be used for the secure detention and confinement of both juvenile offenders and adult criminal offenders.

(C) Both the total number of facilities used for the secure detention and confinement of both juvenile offenders and adult criminal offenders during the past 12 months AND the number inspected on-site.

(D) The total number of facilities used for secure detention and confinement of both juvenile offenders and adult criminal offenders AND those which did not provide adequate separation.

(E) The total number of juvenile offenders and non-offenders NOT adequately separated in facilities used for the secure detention and confinement of both juveniles and adults.

(iv) To demonstrate the progress and extent of compliance with section 223(a)(14) of the JJDP Act the report must at least include the following information for the baseline and the current reporting periods.

(A) Dates of baseline and current reporting period.

(B) Total number of adult jails in the State AND the number inspected on-site.

(C) Total number of adult lock-ups in the State AND the number inspected on-site.

(D) Total number of adult jails holding juveniles during the past twelve months.

(E) Total number of adult lock-ups holding juveniles during the past twelve months.

(F) Total number of adult jails and lock-ups in areas meeting the "removal exceptions" as noted in subparagraph 4 above, including a list of such counties.

(G) Total number of juveniles held in all adult jails in excess of six hours.

(H) Total number of juveniles held in all adult lock-ups in excess of six hours.

(I) Total number of juveniles held in adult jails in areas meeting the "removal exception" as noted in subparagraph 4 above.

(J) Total number of juveniles held in excess of 48 hours in jails and lock-ups in areas meeting the "removal exceptions" as noted in subparagraph 4 above.

(6) **Compliance.** A State must demonstrate compliance with section 223(a)(12)(A), (13), and (14) of the Act. Should a state fail to demonstrate the required level of compliance with these Sections within the designated time frame, eligibility, for formula grant

funding shall terminate. The compliance levels are:

(i) Substantial compliance with section 223(a)(12)(A) requires within three years of initial plan submission achievement of a 75% reduction in the aggregate number of status offenders and non-offenders held in secure detention or correctional facilities; or through removal of 100% of such offenders from secure correctional facilities only, and the State has made an unequivocal commitment through appropriate executive and legislative action to achieve full compliance within 2 additional years. Full compliance is achieved when a State has removed 100% of such juveniles from secure detention or correctional facilities or can demonstrate full compliance with *de minimis* exceptions. The policy and criteria for determining full compliance with *de minimis* exceptions with this requirement is contained in the Federal Register on January 9, 1981 (46 FR 2566-2569).

(ii) Compliance with section 223(a)(13) has been achieved when a State can demonstrate that:

(A) The last submitted monitoring report, covering a full 12 months of data, demonstrates that no juveniles were incarcerated in circumstances that were in violation of section 223(a)(13); or

(B) (1) State law, regulation, court rule, or other established executive and judicial policy clearly prohibits the incarceration of all juvenile offenders in circumstances that would be in violation of section 223(a)(13);

(2) All instances of noncompliance reported in the last submitted monitoring report were in violation of, or departures from, the State law, rule, or policy referred to in (1) above;

(3) The instance of noncompliance do not indicate a pattern or practice but rather constitute isolated instances of noncompliance; and

(4) Existing mechanisms for the enforcement of the State law, rule, or policy referred to in (a) above are such that the instances of noncompliance are unlikely to recur in the future.

(iii) Substantial compliance with section 223(a)(14)(A) requires the achievement of a 75% reduction by December 8, 1985 in the number of juveniles held in adult jails and lock-ups and that the State has made a unequivocal commitment through appropriate executive or legislative action to achieving full compliance within two additional years.

(7) **Monitoring Report Exceptions.** States which have been found by the OJJDP Administrator to have achieved full compliance with section

223(a)(12)(A) and compliance with section 223(a)(13) of the Juvenile Justice Act and which wish to be exempted from the annual compliance monitoring report must submit a written request to the OJJDP Administrator which demonstrates that:

(i) The State provides for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to enable an annual determination of State compliance with section 223(a)(12)(A), (13), and (14) of the JJDP.

(ii) State legislation has been enacted which conforms to the requirements of sections 223(a)(12)(A) and (13) of the Juvenile Justice Act; and

(iii) The enforcement of the legislation is statutorily or administratively prescribed, specifically providing that:

(A) Authority for enforcement of the statute is assigned;

(B) Time frames for monitoring compliance with the statute are specified; and

(C) Adequate sanctions and penalties that will result in enforcement of compliance and procedures for remedying violations are set forth.

(i) *Juvenile Crime Analysis.* Pursuant to section 223(a)(8) (A) and (B) the State shall conduct an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs. The product of the analysis shall be a series of problem statements that reflect an analysis of the data, the monitoring reports, and requirements of the Act and which provide the basis for developing juvenile justice programs for funding.

(1) *Analysis Components.* The analysis should include the following:

(i) A description of the structure and functions of units of the juvenile justice system and description of the flow of youths through the system, on an annual basis. The descriptive flow shall include a summary of the number and characteristics (age, sex, national origin, and race) of youths within the State, and a summary of the number and characteristics (offense, age, sex, national origin, and race) of youths handled (including arrests and petitions, by each unit of the juvenile justice system) and disposition made by each (including the number and characteristics of juveniles within each dispositional category).

(ii) An analysis of the nature of the delinquency problem within the State. This analysis should include unemployment rates, school dropout, suspension and expulsion rates, and other conditions considered or determined by the State to be relevant to delinquency prevention programming.

(iii) A description of major programs operated outside of the formal juvenile justice system which are designed to impact directly on delinquency reduction, control, or prevention. The description should include the structure, objectives, number and descriptions of youths served, program costs, and sources of funds.

(2) *Product.*

(i) The product of the analysis is a series of brief written problem statements set forth in the application that define and describe the priority problems.

(ii) A problem statement, as used herein, is defined as a written presentation which describes the magnitude, seriousness, rate of change, persons affected, and temporal aspects of a problem using qualitative and quantitative information. It identifies the nature, extent, and effect of system response, makes projections based on historical inferences and rigorously attempts to establish the origins of the problem. A problem statement is a clear and succinct summary which reflects the results of the analysis undertaken. It does not necessarily represent all the analysis undertaken, or all data collected for any given priority problem area.

(3) *Program.* Applications are to include descriptions of programs to be supported with Juvenile Justice Act formula grant funds.

(i) *Organization of Programs.* Programs are groupings of projects with similar program designs and objectives.

(ii) *Program Description.* Descriptions should not be more than three or four pages in length, but this may vary. Each item below must be addressed for all programs.

(A) *Title.*

(B) *Description of Program.*

(1) *Program Objectives.* Objectives are specific descriptive statements of the expected program performance and its impact on the identified problem. These must be quantified where possible and must be related to the measure used to describe the problem in the problem statement.

(2) *Summary of Activities Planned and Services Provided.* This part of the program description must summarize what agencies will implement the program, where and when the activities will take place, what services will be provided, and who will benefit from the services.

(3) *Budget.* Total Federal funds requested from JJDP allocations must be presented, along with any expected state, local or private funds. Indicate the number of subgrants and the dollar range, as well as anticipated

subgrantees (if known). Include minimum duration of each program and minimum number of years that funding may be requested and received for projects. Once Congressional appropriations are final, specific budget figures must be submitted.

(4) *Relationship to Similar Programs.* The program description must indicate how the program relates to other similar State or local programs directed at the same or similar problems.

(C) *Performance Indicators.* A list of performance indicators must be developed and set forth for each program. These indicators show what data will be collected at the program level to measure whether objectives and performance goals have been achieved and should relate to the measures used in the problem statement and statement of program objectives.

(4) *Format.* Exhibit I shows the standard format for setting forth priority problems and programs in the annual plan.

Exhibit I—Standard Format for Program Descriptions

Program Statements: Statement of problem including an indication of its priority.

Program: Description of program developed to deal with the problem stated above.

1. Title
2. Description
 - a. Objectives
 - b. Summary of Activities Planned
 - c. Budget
 - d. Relationship to Similar Programs
3. Performance Indicators

(j) *Concentration of State Effort.* Pursuant to section 223(a)(8)(C) the State shall submit a plan for the concentration of State efforts as they relate to the coordination of all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities.

(k) *Annual Performance Report.* Pursuant to section 223(a) and section 223(a)(21) the State Plan shall provide for submission of an annual performance report beginning to be incorporated in its fiscal years 1983 and 1984 application for funds. The report shall address the following:

(1) *Progress in Program Implementation.* The State shall report on its progress in the implementation of programs, as described in the three year plan. The performance indicators will serve as the objective criteria for a meaningful assessment of progress toward achievement of measurable goals.

(2) *Compliance with State Plan Requirements.* The State shall also

describe the status of compliance with each of the following requirements. Compliance is to be measured against the assurances made in the three year plan and any subsequent modifications.

(i) *Funding.* (A) Indicate the amount of funds that have been awarded, the programs they have applied to, the percentage used for advanced techniques, and the percentage passed through to units of local government.

(B) Describe how funds have been equitably distributed within the State.

(C) Describe how funds have been equitably distributed to deal with disadvantaged youth, as required by section 223(a)(16), specifying the number of disadvantaged youth who participated in programs supported with formula funds.

(ii) *State Concentration/Coordination of Effort.* Describe the State's progress in implementation of coordination of its plan for all juvenile delinquency programs within the State.

(iii) *Consultation.* Describe how units of general local government and private agencies have been involved in the development and implementation of the State plan.

(iv) *Development of Research, Training and Evaluation Capacity.* Describe efforts to develop an adequate research, training and evaluation capacity within the State.

(v) Briefly describe the State's progress in implementing its plan for compliance with section 223(a)(12)-(14), as outlined in the multi-year plan for achieving compliance with these requirements.

(1) *Equitable Distribution of Juvenile Justice Funds and Assistance to Disadvantaged Youth.* Pursuant to section 223(a)(7) and (16) of the JJDP Act, the State shall assure that:

(1) The State will establish and adhere to procedures for the equitable distribution JJDP Act formula grant money.

(2) The Juvenile Crime Analysis studies the needs of disadvantaged youth and that assistance will be available equitably.

(3) It has developed and adheres to procedures for filing and considering grievances arising under this section.

(m) *Advanced Techniques.* Pursuant to section 223(a)(10) of the JJDP Act, the State shall:

(1) Demonstrate clearly in its application that at least 75% of the JJDP funds support advanced techniques as enumerated in this section of the Act.

(2) In order to ensure timely compliance with section 223(a)(12), (13), (14), and (15) of the JJDP Act, States should place special emphasis on projects which are designed to

deinstitutionalize juveniles, remove children from jails, lock-ups and other adult institutions where adults are incarcerated to ensure adequate separation of adult and juvenile offenders, and monitor compliance.

(n) *Analytical and Training Capacity.* Pursuant to section 223(a) (11) and (21) of the JJDP Act, the State Council shall provide an assurance that it will conduct research, training and evaluation activities.

(o) *Equitable Arrangements for Employees Affected by Assistance Under the Act.* Pursuant to section 223(a)(18) the State shall assure that fair and equitable arrangements are made to protect the interests of employees affected by assistance under the Act.

(p) *Continuation Support.* Pursuant to the OJJDP continuation funding policy as published in the Federal Register, on January 22, 1981, (46 FR 7109-7112) states with the assistance and advice of the State Advisory Group, are encouraged to formulate a specific policy to govern the continuation of carefully chosen and successful action programs and projects. Provide that policy and explain its development.

(q) *Technical Assistance.* States wishing to receive Technical Assistance through OJJDP must indicate within their plan their Technical Assistance needs. The identification of Technical Assistance needs must be related to the implementation strategies and programs contained in the plan. Specific directions regarding the development and inclusion of Technical Assistance needs and priorities in the plan will be provided in the "Application Kit for Formula Grants under the JJDP Act." Any State not wishing to apply for Technical Assistance should so indicate in their plan submission.

(r) *Other Terms and Conditions.* Pursuant to section 223(a)(22) of the JJDP Act, States shall agree to other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of programs assisted under the formula grant.

§31.704 Definitions.

(a) *Private Agency.* A private non-profit agency, organization or institution is:

(1) Any corporation, foundation, trust, association, cooperative, or accredited institution of higher education not under public supervision or control, and

(2) Any other agency, organization or institution which operated primarily for scientific, educational, service, charitable, or similar public purposes, but which is not under public supervision or control, and not part of the net earnings of which inures or may lawfully inure to the benefit of any

private shareholder or individual, and which has been held by IRS to be tax-exempt under the provisions of section 501(c)(3) of the 1954 Internal Revenue Code.

(b) *Secure.* As used to define a detention or correctional facility this term includes residential facilities designed and operated so as to ensure that all entrances and exits are under exclusive control of the staff of such facility, whether or not the persons detained or confined have freedom of movement within the facility, and whether or not the control of residents behavior results primarily from staff restraints or reliance on construction fixtures designed to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures.

(c) *Facility.* A place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public and private agencies.

(d) *Juvenile who is accused of having committed an offense.* A juvenile with respect to whom a petition has been filed in the juvenile court or other action has occurred alleging that such juvenile is a juvenile offender, i.e., a *criminal-type offender* or a *status offender*, and no final adjudication has been made by the juvenile court.

(e) *Juvenile who has been adjudicated as having committed an offense.* A juvenile with respect to whom the juvenile court has determined that such juvenile is a *juvenile offender*, i.e., a *criminal-type offender* or a *status offender*.

(f) *Juvenile Offender.* An individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by State law.

(g) *Criminal-type Offender.* A juvenile offender who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(h) *Status Offender.* A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(i) *Non-Offender.* A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other

than legally prohibited conduct of the juvenile.

(j) *Lawful Custody.* The exercise of care, supervision and control over a juvenile offender or non-offender pursuant to the provisions of the law of a judicial order or decree.

(k) *Other individual accused of having committed a criminal offense.* An individual, adult or juvenile, who has been charged with committing a criminal offense in a court exercising criminal jurisdiction.

(l) *Other individual convicted of a criminal offense.* An individual, adult or juvenile, who has been convicted of a criminal offense in a court exercising criminal jurisdiction.

(m) *Adult Jail.* A locked facility, administered by State, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than one year.

(n) *Adult Lock-up.* Similar to jail for adults except that is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.

Subpart I—General Conditions and Assurances

§ 31.800 Compliance with statute.

The applicant State must assure and certify that the State and its subgrantees and contractors will comply with the provision of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-352, as amended by Pub. L. 91-644, Pub. L. 93-83, Pub. L. 93-415, Pub. L. 94-430, Pub. L. 94-503, and Pub. L. 96-157 (the Justice System Improvement Act of 1979); and with the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93-415, as amended by Pub. L. 94-503, Pub. L. 96-115, and Pub. L. 96-509 for activities funded under each Act.

§ 31.801 Compliance with other Federal laws, orders, circulars.

(a) The applicant State must further assure and certify that the State and its subgrantees and contractors will adhere to regulations of the Department and other applicable Federal laws, orders and circulars. These requirements are described in greater detail in the "Fiscal Year 1982 Application Kit for Formula Grant under the JJDP Act." They include compliance, where applicable, with the provisions of the National Environmental Policy Act of 1969, Pub.

L. 91-190; the National Historic Preservation Act of 1966, Pub. L. 89-665; the Flood Disaster Protection Act of 1973, Pub. L. 93-234; the Clean Air Act, Pub. L. 88-206; the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500; the Safe Drinking Water Act, Pub. L. 93-523; the Endangered Species Act of 1973, Pub. L. 93-205; the Wild and Scenic Rivers Act, Pub. L. 90-524; the Fish and Wildlife Coordination Act, Pub. L. 85-624; the Historical and Archeological Preservation Act, Pub. L. 93-291; the Coastal Zone Management Act of 1972, Pub. L. 92-583; the Hatch Political Activity Act, Pub. L. 93-443; the Animal Welfare Act of 1970, Pub. L. 91-579; the Impoundment Control Act of 1973, Pub. L. 93-112; the Intergovernmental Cooperation Act of 1974, Pub. L. 93-318; Executive Orders Nos. 11246, 11377, 11507, 11738, 11752, and 11914; Office of Management and Budget Circulars Nos. A-21, A-87, A-102 and A-110, and A-122; FMC Circulars Nos. 74-4 and 74-7 found at 34 CFR Parts 255 and 256 respectively and all amendments and additions to those statutes, orders, and circulars.

(b) In administering funds awarded pursuant to this application, the State must assure compliance with 28 CFR Parts 18, 19, 20, 22, 42, and 52 as they relate to activities funded with JJDP funds; G 6060.1A, medical Research and Psychosurgery; and the Guideline Manual M 7100.1B, Financial and Administrative Guide for Grants. The State must further represent that it has established policies and provided procedures to assure sound fiscal control, effective management, and efficient use of funds received pursuant to this grant.

§ 31.802 Application on file.

Any Federal funds awarded pursuant to an application must be distributed and expended pursuant to and in accordance with the programs contained in the applicant State's current approved application and any advance funds will not be awarded for any program not specifically approved and clearly set forth in the current comprehensive application. Any departures therefrom, other than to the extent permitted by the Administration's current program and fiscal regulations and guidelines, will be submitted for advance approval by the Administration. The applicant State must assure that it has complied with any special grant conditions applicable to formula grants previously awarded to the State or, as to those special conditions to which action is not yet due or required, will comply with such conditions within specific deadlines.

§ 31.803 Non-discrimination.

The State must assure that it will comply with and will insure compliance by its subgrantees and contractors with all applicable non-discrimination requirements, including but not limited to Section 815(c) of the Justice System Improvement Act and its implementing regulations found at 28 CFR 42.201, et seq. and 28 CFR 42.301, et seq.; Title VI of the Civil Rights Act of 1964, Subparts C-E of 28 CFR Part 42; and, where applicable, Section 262(a) of the Juvenile Justice Act, to the end that no person shall, on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under or be denied employment in connection with any program or activity funded in whole or in part with funds made available through the Office of Juvenile Justice and Delinquency Prevention. The State must assure that it will comply with and will insure compliance by its State and local government subgrantees with the requirement that in the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination on the ground of race, color, religion, national origin, or sex against the recipient State or local government unit or agency thereof, it will forward a copy of the finding to the cognizant State Grantee and to OJJDP. The State must also assure that it will comply with and insure compliance by its subgrantees with Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap in any program receiving Federal financial assistance, and its implementing regulations found at 28 CFR 42.501 et seq. The State must further insure that educational institutions comply with the provisions and requirements of Title IX, Section 901, of the Education Amendments of 1972 (Pub. L. 92-318) which provides that no person shall, on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving financial assistance from the Department of Justice and the Age Discrimination Act of 1975, as amended. The State must recognize the right of the United States to seek judicial enforcement of the foregoing covenant assuring the right of the United States to seek judicial enforcement in its subgrants or contracts.

§ 31.804 Lobbying.

The State must assure that pursuant to section 227(c) of the JJDP Act, funds

paid pursuant to section 223(a)(10)(D) and section 224(a)(7) to any public or private agency, organization, or institution or to any individual (whether directly or through a State criminal justice council) shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence a Member of the Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure by the Congress, any

State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications to Federal, State, or local elected officials, upon the request of such official through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved. Additional guidance on lobbying prohibitions may be found in the OJARS Guideline Manual, Financial and Administrative Guide for Grants, M7100.1B.

§ 31.805 Applicability.

The applicant State must further assure and certify that by appropriate language incorporated in each grant, subgrant, contract, subcontract, or other document under which funds are to be disbursed, the grantee shall assure that the above conditions apply to all recipients of assistance.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

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Part IV

**Department of
Agriculture**

Agricultural Marketing Service

**Wheat and Wheat Foods Research and
Nutrition Education; Wheat Industry
Council Budget for Fiscal Year 1982**

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. WR-1]

Wheat and Wheat Foods Research and Nutrition Education; Wheat Industry Council Budget Notice

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of the Wheat Industry Council Budget for Fiscal Year 1982.

SUMMARY: This notice presents the proposed July 1981 through June 1982 budget of the Wheat Industry Council. Publication of budget information in the *Federal Register* is required by the Wheat and Wheat Foods Research and Nutrition Education Act. The purpose is to allow the wheat end product manufacturers, who are required to pay assessments on purchases of processed wheat to fund a wheat research and nutrition education program, an opportunity to reserve the right to seek a refund of assessments paid.

FOR FURTHER INFORMATION CONTACT: W. David Spalding, Livestock, Poultry, Grain, and Seed Division, AMS, USDA, Washington, D.C. 20250, Phone: (202) 447-2068.

SUPPLEMENTARY INFORMATION: The Wheat and Wheat Foods Research and Nutrition Education Act of 1977 (7 U.S.C. 3401-17) authorized a research and nutrition education program for wheat and wheat foods. Formal rulemaking procedures, including a public hearing, were followed in developing the Wheat and Wheat Foods Research and Nutrition Education Order which provides the framework for the program. This notice contains the first annual budget of the Wheat Industry Council—the organization responsible for carrying out the program.

Prior *Federal Register* documents concerning Wheat and Wheat Foods Research and Nutrition Education include: (1) Decision and Order published December 14, 1979 (44 FR 72866); (2) Final Order published May 5, 1980 (45 FR 32572); and (3) Rules and Regulations published April 21, 1981 (46 FR 22882).

In a March 1980 referendum wheat end product manufacturers approved the Wheat and Wheat Foods Research and Nutrition Education Order. The Order authorizes a program of research and nutrition education for wheat and wheat based foods to be administered by a 20-member Wheat Industry Council. In October 1980 the Secretary of Agriculture appointed the initial 20-member Wheat Industry Council which

is divided equally among representatives of producers, processors, end product manufacturers, and consumers. USDA's Agricultural Marketing Service (AMS) will monitor the program.

The Order authorizes wheat end product manufacturers to assess themselves up to 5 cents per hundredweight of processed wheat purchased to finance the program. The Order limits the assessments to 1 cent per hundredweight during the first 2 years of the program. Wheat end product manufacturers who purchase less than 2,000 hundredweight of processed wheat per year, those who are defined as retail bakers, and processed wheat used in the manufacture of exempt end products will not be assessed.

The Wheat and Wheat Foods Research and Nutrition Education—Rules and Regulations require all nonexempt wheat end product manufacturers to register with the Wheat Industry Council, Suite 203, 6000 Executive Boulevard, Rockville, Maryland 20852 (Phone: (301) 984-1300) by June 1, 1981. Any firms not registered by June 1 must register as soon as possible. Assessments of 1 cent per hundredweight of processed wheat purchased begin to accrue as of the first day of the firm's first accounting period beginning on or after June 1, 1981. Assessments are due and payable to the Wheat Industry Council on or before the thirtieth day following the end of the first reporting period and on a quarterly basis thereafter.

The Rules and Regulations provide that wheat end product manufacturers who wish to reserve the right to request refunds of assessments paid during the upcoming year must submit such notification to the Wheat Industry

Council by registered or certified mail on or before July 31, 1981. In order to receive a refund of assessments paid, an end product manufacturer must obtain a refund application form from the Council and submit the completed form to the Council within 60 days after the end of the quarter or other reporting period during which the assessment obligation accrued.

This document includes a summary of the Wheat Industry Council's plans and projects for research and nutrition education based on research. The Act and the Order restrict Council activities to research and nutrition education based on research and provide that individual projects must be approved by the U.S. Department of Agriculture before they are implemented.

Nutrition education is defined in the Act and the Order as "any action to disseminate to the public information resulting from research concerning the economic value or nutritional benefits of wheat, processed wheat, and end products." A proponent of the Order described the scope of the Council's authority to engage in nutrition education based on research at the public hearing on the Order as follows: ". . . nutrition education activities must be based on the results of research (whether conducted by the Wheat Industry Council or others).

They would not include promotion efforts based solely on the desirability of wheat, processed wheat or end products. Such activities, that encourage consumption for its own sake without imparting any knowledge of nutritional facts or economic value, are clearly not intended under the Act and its legislative history, and they would not be included under this definition."

The Wheat Industry Council budget for Fiscal Year 1982 is as follows:

Wheat Industry Council; Budget

[July 1, 1981 to June 30, 1982]

Income: Assessments		\$1,000,000
EXPENDITURES:		
Program expenditures—research:		
Nutrition research		\$60,000
Select a scientific review committee of qualified experts to review the scientific literature and prepare a background paper on the relationship of wheat based foods to his or her specialty: obesity, diabetes, coronary heart disease, dental health, and intestinal disorders. The background papers will provide not only a "state-of-the-art" of the relationship of our products to important health issues, but also identify current problems for Council sponsored research.		\$38,000
Publish consumer booklet(s) based on the scientific papers		12,000
Disseminate nutrition research information to media		10,000
Market research		50,000
Identify the issues of greatest concern to the consumer; identify the target audiences most receptive to messages about the value and use of wheat based foods in a well balanced diet.		
Program expenditures—nutrition education:		
Educators		145,000

Wheat Industry Council; Budget—Continued

[July 1, 1981 to June 30, 1982]

Develop nutrition education materials for elementary, secondary, and adult users on wheat food products. The materials will include but not be limited to leaflets, posters, teacher's guides, and good filmstrips.	125,000	
Disseminate education materials through professional magazines, newsletters, and special mailings.	20,000	
Consumer		325,000
Develop and place in appropriate publications four (or more) messages; wholesomeness of ingredients used in wheat food products; similarities and differences between wheat food products; historical, cultural, and technological development of wheat food products; economic value of wheat food products.	230,000	
Produce a wheat foods reference booklet for food editors on technical, nutritional, and economic values.	20,000	
Produce fact sheets for consumers on pasta, breakfast cereals, cakes and other sweet goods, hearth breads, white breads, crackers. Fact sheets to include historical background of products, nutritional, economic, and technical information.	25,000	
Develop low-calorie menus and menu cards for restaurants. The nutritional value of each item to appear on the back of the card.	15,000	
Prepare nutrition information materials for food service managers and restaurateurs.	4,000	
Place a medical spokesperson on national talk shows to discuss nutritional concerns on the value of wheat based foods.	12,000	
Syndicate a regular nutrition release to newspapers, magazines, and commentators on wheat food products and their role in the diet.	19,000	
Industry relations and compliance		20,000
Print summary of act stating the purpose of the Wheat Industry Council, objectives, and assessment and refund procedures to be used as supplementary information with letters to the industry.	4,000	
Print necessary assessment and refund forms and related materials as needed.	8,000	
Quarterly newsletter to industry on operation and activities of the Council. Writing and postage.	8,000	
Total—program expenditures		600,000
Administrative expenditures		275,000
Salaries	113,000	
Personal costs	\$103,000	
Fringe benefits	10,000	
Rent (\$12.50 per sq. ft.)	15,684	
Insurance, liability	2,000	
Telephone	5,918	
Copy machine (rent)	1,800	
Office supplies	3,000	
Printing, artwork	7,000	
Postage	1,200	
Lockbox	600	
Council meetings (travel and expenses for members and alternates; executive committee meetings)	48,000	
Travel, staff	12,000	
Legal fees	2,000	
Memberships and subscriptions	800	
Audit	2,000	
USDA administrative fee	40,000	
USDA referendum costs (repayment)	20,000	
Total, administrative expenses		275,000
Loan repayment (start up costs)		125,000
Grand total, expenditures		\$1,000,000

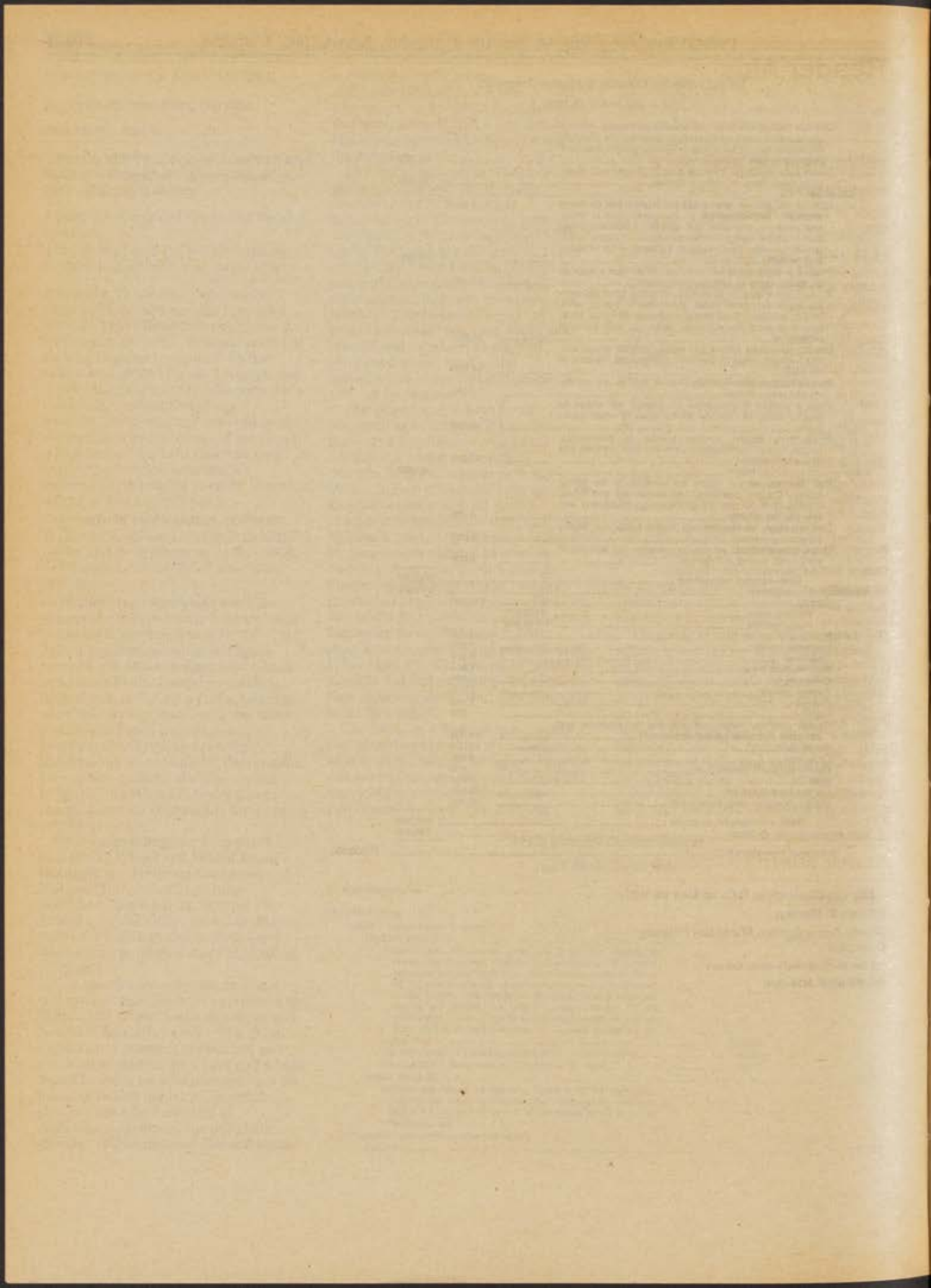
Done at Washington, D.C., on May 28, 1981.

William T. Manley,

Deputy Administrator, Marketing Program
Operations.

[FR Doc. 81-16318 Filed 5-29-81; 8:45 am]

BILLING CODE 3410-02-M



INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419
	523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

Privacy Act Compilation

	523-3517
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United States Government Manual

	523-5230
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SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, JUNE

29239-29452.....1

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—JUNE 1981

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.
In computing these dates, the day after publication is counted as the first day. When

a date falls on a weekend or a holiday, the next Federal business day is used (see 1 CFR 18.17).
A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
June 1	June 16	July 1	July 16	July 31	August 31
June 2	June 17	July 2	July 17	August 3	August 31
June 3	June 18	July 6	July 20	August 3	September 1
June 4	June 19	July 6	July 20	August 3	September 2
June 5	June 22	July 6	July 20	August 4	September 3
June 8	June 23	July 8	July 23	August 7	September 8
June 9	June 24	July 9	July 24	August 10	September 8
June 10	June 25	July 10	July 27	August 10	September 8
June 11	June 26	July 13	July 27	August 10	September 9
June 12	June 29	July 13	July 27	August 11	September 10
June 15	June 30	July 15	July 30	August 14	September 14
June 16	July 1	July 16	July 31	August 17	September 14
June 17	July 2	July 17	August 3	August 17	September 15
June 18	July 6	July 20	August 3	August 17	September 16
June 19	July 6	July 20	August 3	August 18	September 17
June 22	July 7	July 22	August 6	August 21	September 21
June 23	July 8	July 23	August 7	August 24	September 21
June 24	July 9	July 24	August 10	August 24	September 22
June 25	July 10	July 27	August 10	August 24	September 23
June 26	July 13	July 27	August 10	August 25	September 24
June 29	July 14	July 29	August 13	August 28	September 28
June 30	July 15	July 30	August 14	August 31	September 28

CFR CHECKLIST; 1980/81 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1980/81. New units issued during the month are announced on the back cover of the daily Federal Register as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is \$525 domestic, \$131.25 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1981):		500-1699.....	9.00
		1700-end.....	6.00
Title	Price	25	8.00
1-2.....	\$4.50		
6.....	3.50		
7 Parts:		26 Parts:	
900-944.....	7.00	1 (§§ 1.0-1.169).....	8.50
945-980.....	5.50	1 (§§ 1.170-1.300).....	8.50
981-999.....	5.50	1 (§§ 1.301-1.400).....	6.00
1120-1199.....	6.00	1 (§§ 1.401-1.500).....	7.00
1500-1899.....	6.00	1 (§§ 1.501-1.640).....	6.50
2853-end.....	6.00	1 (§§ 1.641-1.850).....	7.50
8.....	5.50	1 (§§ 1.851-1.1200).....	8.00
9 Parts:		1 (§§ 1.1201-end).....	9.00
1-199.....	7.50	2-29.....	7.50
200-end.....	6.50	30-39.....	6.50
11.....	5.50	40-299.....	7.50
12 Parts:		300-499.....	6.00
1-199.....	6.00	500-599.....	6.50
300-499.....	6.00	600-end.....	5.00
14 Parts:		27 Parts:	
1200-end.....	6.00	1-199.....	6.50
15 Parts:		200-end.....	7.50
0-299.....	5.50	CFR Unit (Rev. as of July 1, 1980):	
CFR Index	8.50	28	7.00
CFR Unit (Rev. as of Apr. 1, 1980):		29 Parts:	
17 Parts:		0-499.....	9.00
0-239.....	7.50	500-1899.....	11.00
240-end.....	7.50	1900-1910.....	9.00
18 Parts:		1911-1919.....	5.50
1-149.....	7.50	1920-end.....	8.00
150-end.....	8.50	30 Parts:	
19.....	9.00	0-199.....	7.50
20 Parts:		200-end.....	8.00
01-399.....	5.50	31 Parts:	
400-499.....	7.50	0-199.....	6.00
500-end.....	7.50	200-end.....	7.50
21 Parts:		32 Parts:	
01-99.....	6.00	1-39 (Supplement).....	6.00
100-169.....	7.00	40-399.....	10.00
170-199.....	6.00	400-699.....	8.50
200-299.....	4.50	700-799.....	8.00
300-499.....	8.00	800-999.....	8.00
500-599.....	7.50	1000-end.....	6.50
600-799.....	5.00	33 Parts:	
800-1299.....	5.50	1-199.....	9.50
1300-end.....	4.50	200-end.....	8.50
22.....	8.00	34	6.00
23.....	7.00	35 (Rev. 12/31/80)	6.00
24 Parts:		36	7.50
0-499.....	11.00	37	6.00
		38	11.00
		39	6.00

40 Parts:	
0-51.....	7.50
52.....	9.00
53-80.....	7.50
81-99.....	8.50
100-399.....	13.00
400-424.....	7.50
425-end.....	7.50
41 Chapters:	
1-2.....	11.00
3-6.....	8.00
7.....	4.25
8.....	4.50
9 (Supplement).....	3.00
10-17.....	7.50
18 (Vol. I).....	7.50
18 (Vol. II).....	9.00
18 (Vol. III).....	7.50
19-100.....	7.50
101.....	8.50
102-end.....	7.00

CFR Unit (Rev. as of Oct. 1, 1980):	
42 Parts:	
1-399.....	9.50
400-end.....	8.50
43 Parts:	
1-199.....	6.50
1000-end.....	11.00
44	7.00
45 Parts:	
1-99.....	6.50
100-149.....	7.50
150-199.....	7.50
200-499.....	5.50
500-1199.....	7.50
1200-end.....	7.50
46 Parts:	
1-29.....	5.00
30-40.....	4.75
41-69.....	6.50
70-89.....	5.50
90-109.....	5.50
140-155.....	6.00
156-165.....	6.50
166-199.....	6.00
400-end.....	6.00
47 Parts:	
0-19.....	6.50
20-69.....	8.50
70-79.....	7.50
49 Parts:	
1-99.....	5.50
100-177 (Rev. 12/1/80).....	8.00
178-199 (Rev. 12/1/80).....	7.50
200-399.....	7.00
400-999.....	7.50
1000-1199.....	7.50
1200-1299.....	9.00
1300-end.....	6.50
50 Parts:	
1-199.....	6.00
200-end.....	7.50

AGENCY ABBREVIATIONS

Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department

AMS Agricultural Marketing Service
 APHIS Animal and Plant Health Inspection Service
 ASCS Agricultural Stabilization and Conservation Service
 CCC Commodity Credit Corporation
 EOA Energy Office, Agriculture Department
 EQOA Environmental Quality Office, Agriculture Department
 ESS Economics and Statistics Service
 FmHA Farmers Home Administration
 FAS Foreign Agricultural Service
 FCIC Federal Crop Insurance Corporation
 FGIS Federal Grain Inspection Service
 FNS Food and Nutrition Service
 FS Forest Service
 FSQS Food Safety and Quality Service
 IGO Inspector General Office
 REA Rural Electrification Administration
 SCS Soil Conservation Service
 SEA Science and Education Administration
 TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department

BEA Bureau of Economic Analysis
 Census Census Bureau
 EDA Economic Development Administration
 FSPSO Federal Statistical Policy and Standards Office
 FTZB Foreign-Trade Zones Board
 ITA International Trade Administration
 MA Maritime Administration
 MBDA Minority Business Development Agency
 NBS National Bureau of Standards
 NOAA National Oceanic and Atmospheric Administration
 NTIA National Telecommunications and Information Administration
 NTIS National Technical Information Service
 PTO Patent and Trademark Office
 USTS United States Travel Service

DOD Defense Department

AF Air Force Department
 Army Army Department
 DCAA Defense Contract Audit Agency
 DIA Defense Intelligence Agency
 DIS Defense Investigative Service
 DLA Defense Logistics Agency
 DMA Defense Mapping Agency
 DNA Defense Nuclear Agency
 EC Engineers Corps
 Navy Navy Department

ED Education Department

NCH National Council for the Handicapped

DOE Energy Department

APA Alaska Power Administration
 BPA Bonneville Power Administration
 CRE Conservation and Renewable Energy, Office of Assistant Secretary
 EIA Energy Information Administration
 ERA Economic Regulatory Administration
 ERO Energy Research Office
 ETO Energy Technology Office
 FERC Federal Energy Regulatory Commission
 OHA Hearings and Appeals Office, Energy Department

SEPA Southeastern Power Administration
 SWPA Southwestern Power Administration
 WAPA Western Area Power Administration

HHS Health and Human Services Department

ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
 CDC Centers for Disease Control
 FDA Food and Drug Administration
 HCFA Health Care Financing Administration
 HDSO Human Development Services Office
 HRA Health Resources Administration
 HSA Health Services Administration
 NIH National Institutes of Health
 NIOSH National Institute for Occupational Safety and Health
 PHS Public Health Service
 RRO Refugee Resettlement Office
 SSA Social Security Administration

HUD Housing and Urban Development Department

CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
 CPD Community Planning and Development, Office of Assistant Secretary
 EQO Environmental Quality Office, Housing and Urban Development Department
 FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
 FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
 GNMA Government National Mortgage Association
 ILSRO Interstate Land Sales Registration Office
 NCA New Communities Administration
 NCDC New Community Development Corporation
 NVACP Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary
 SEECB Solar Energy and Energy Conservation Bank

INTERIOR Interior Department

BIA Bureau of Indian Affairs
 BLM Bureau of Land Management
 FWS Fish and Wildlife Service
 GS Geological Survey
 HCRS Heritage Conservation and Recreation Service
 Mines Mines Bureau
 NPS National Park Service
 OHA Office of Hearings and Appeals, Interior Department
 SMREO Surface Mining Reclamation and Enforcement Office
 WPRS Water and Power Resources Service

JUSTICE Justice Department

BJS Bureau of Justice Statistics
 DEA Drug Enforcement Administration
 FCSC Foreign Claims Settlement Commission
 INS Immigration and Naturalization Service
 JJDPO Juvenile Justice and Delinquency Prevention Office
 LEAA Law Enforcement Assistance Administration
 NIC National Institute of Corrections
 NIJ National Institute of Justice
 OJARS Justice Assistance, Research and Statistics Office
 PARCOM Parole Commission
 PB Prisons Bureau

LABOR Labor Department

BLS Bureau of Labor Statistics
 ESA Employment Standards Administration
 ETA Employment and Training Administration
 FCCPO Federal Contract Compliance Programs Office
 LMSEO Labor Management Standards Enforcement Office
 MSHA Mine Safety and Health Administration
 OSHA Occupational Safety and Health Administration

P&WBP Pension and Welfare Benefit Programs Office
W&H Wage and Hour Division

STATE State Department

FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard

FAA Federal Aviation Administration

FHWA Federal Highway Administration

FRA Federal Railroad Administration

NHTSA National Highway Traffic Safety Administration

RSPA Research and Special Programs Administration

SLSDC Saint Lawrence Seaway Development Corporation

UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau

Customs Customs Service

Comptroller Comptroller of the Currency

FACO Foreign Assets Control Office

FS Fiscal Service

IRS Internal Revenue Service

Mint Mint Bureau

PDB Public Debt Bureau

RSO Revenue Sharing Office

SS Secret Service

Independent Agencies

ANGTS Alaska Natural Gas Transportation System, Office of Federal Inspector

ATBCB Architectural and Transportation Barriers Compliance Board

CAB Civil Aeronautics Board

CEQ Council on Environmental Quality

CFTC Commodity Futures Trading Commission

CITA Textile Agreements Implementation Committee

CPSC Consumer Product Safety Commission

CRC Civil Rights Commission

CSA Community Services Administration

DIDC Depository Institutions Deregulation Committee

EEOC Equal Employment Opportunity Commission

EPA Environmental Protection Agency

ESC Endangered Species Committee

EXIMBANK Export-Import Bank of the U.S.

FCA Farm Credit Administration

FCC Federal Communications Commission

FDIC Federal Deposit Insurance Corporation

FEC Federal Election Commission

FEMA Federal Emergency Management Agency

FEMA/USFA United States Fire Administration

FFIEC Federal Financial Institutions Examination Council

FHLBB Federal Home Loan Bank Board

FHLMC Federal Home Loan Mortgage Corporation

FLRA Federal Labor Relations Authority

FMC Federal Maritime Commission

FRAC Federal Register Administrative Committee

FRS Federal Reserve System

FSIDP Foreign Service Impasse Disputes Panel

FSLRB Foreign Service Labor Relations Board

FTC Federal Trade Commission

GAO General Accounting Office

GPO Government Printing Office

GSA General Services Administration

GSA/ADTS Automated Data and Telecommunications Service

GSA/FPRS Federal Property Resources Service

GSA/FSS Federal Supply Service

GSA/NARS National Archives and Records Service

GSA/OFR Office of the Federal Register

GSA/PBS Public Buildings Service

GSA/TPUS Transportation and Public Utilities Service

ICA International Communication Agency

ICC Interstate Commerce Commission

IDCA International Development Cooperation Agency

IDCA/AID Agency for International Development

ITC International Trade Commission

IRLG Interagency Regulatory Liaison Group

LSC Legal Services Corporation

MB Metric Board

MSPB Merit Systems Protection Board

MWSC Minimum Wage Study Commission

NACEO National Advisory Council on Economic Opportunity

NASA National Aeronautics and Space Administration

NCCB National Consumer Cooperative Bank

NCUA National Credit Union Administration

NFAH National Foundation for the Arts and the Humanities

NLRB National Labor Relations Board

NRC Nuclear Regulatory Commission

NSF National Science Foundation

NTSB National Transportation Safety Board

OMB Office of Management and Budget

OMB/FPPO Federal Procurement Policy Office

OPIC Overseas Private Investment Corporation

OPM Office of Personnel Management

OPM/FPAC Federal Prevailing Rate Advisory Committee

OSTP Office of Science and Technology Policy

PADC Pennsylvania Avenue Development Corporation

PBGC Pension Benefit Guaranty Corporation

PRC Postal Rate Commission

PS Postal Service

ROAP Reorganization Office of Assistant to President

RRB Railroad Retirement Board

SBA Small Business Administration

SEC Securities and Exchange Commission

SFC Synthetic Fuels Corporation

SSS Selective Service System

Trade Representative Trade Representative, Office of United States

TVA Tennessee Valley Authority

VA Veterans Administration

WRC Water Resources Council

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing May 27, 1981

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Codes of Federal Regulations



These are the titles of the

Volume	Title	Page
1	Administrative	1-100
2	Administrative	101-200
3	Administrative	201-300
4	Administrative	301-400
5	Administrative	401-500
6	Administrative	501-600
7	Administrative	601-700
8	Administrative	701-800
9	Administrative	801-900
10	Administrative	901-1000

